ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

CAUCUS AGENDA #7

February 25, 2020

Bill Number	Short Title	Committee	Date	Action

Committee on Appropriations

Chairman: Regina E. Cobb, LD 5 **Vice Chairman:** John Kavanagh, LD 23
Analyst: Tim Grubbs **Intern:** Jake Sonnenburg

HB 2795(BSI) appropriation; railway safety inspectors
SPONSOR: TOMA, LD 22 HOUSE
APPROP 2/19/2020 DP (11-0-0-0)

Committee on Judiciary

Chairman: John M. Allen, LD 15 **Vice Chairman:** Walter J. Blackman, LD 6
Analyst: Lauren Cook **Intern:** Samantha Fagerburg

HB 2148(BSI) anti-racketeering revolving funds; reports; penalty
SPONSOR: THORPE, LD 6 HOUSE
JUD 2/19/2020 DP (9-1-0-0)
(No: ENGEL)

HB 2228(BSI) theft by extortion; defense
SPONSOR: ALLEN J, LD 15 HOUSE
JUD 2/21/2020 DP (10-0-0-0)

HB 2320(BSI) psychiatric security review board; hearings
SPONSOR: BARTO, LD 15 HOUSE
JUD 2/12/2020 DPA (10-0-0-0)

HB 2370(BSI) technical correction; jury; expenses
SPONSOR: FINCHEM, LD 11 HOUSE
JUD 2/21/2020 DP (10-0-0-0)

HB 2538(BSI) health care workers; assault; prevention
SPONSOR: SHAH, LD 24 HOUSE
JUD 2/21/2020 DP (6-3-1-0)
(No: ENGEL, DEGRAZIA, RODRIGUEZ Present: PAWLIK)

HB 2708(BSI) wrongful arrest; record clearance
SPONSOR: CHÁVEZ, LD 29 HOUSE
JUD 2/21/2020 DPA (10-0-0-0)

HB 2735(BSI) guilty except insane; court jurisdiction
SPONSOR: BARTO, LD 15 HOUSE
JUD 2/12/2020 DPA (6-4-0-0)
(No: ENGEL, DEGRAZIA, PAWLIK, RODRIGUEZ)

HB 2769(BSI) guardianship; supported decision-making
SPONSOR: LONGDON, LD 24 HOUSE
JUD 2/21/2020 DPA/SE (9-0-1-0)
(Present: BARTO)

HB 2808(BSI) prisoners; release credits
SPONSOR: BLACKMAN, LD 6 HOUSE
JUD 2/19/2020 DPA (9-0-0-1)
(Abs: DEGRAZIA)

Committee on Public Safety

Chairman: Kevin Payne, LD 21 **Vice Chairman:** Anthony T. Kern, LD 20
Analyst: Eryn Streeter **Intern:** Bryce Moore

HB 2145(BSI) PSPRS; CORP; death benefits; suicide
SPONSOR: KERN, LD 20 HOUSE
PS 2/19/2020 DP (5-0-0-2)
(Abs: ANDRADE, HERNANDEZ D)
GOV 2/20/2020 DPA (10-0-0-1)
(Abs: PETERSEN)

HB 2471(BSI) assessment; peace officer training equipment
SPONSOR: PAYNE, LD 21 HOUSE
PS 1/29/2020 DP (4-3-0-0)
(No: ANDRADE, HERNANDEZ D, LONGDON)

HB 2649(BSI) prisoners; mental health transition program
SPONSOR: BARTO, LD 15 HOUSE
PS 2/12/2020 DPA (7-0-0-0)
APPROP 2/19/2020 DPA (11-0-0-0)

HB 2760(BSI) appropriation; DPS; body cameras
SPONSOR: SHAH, LD 24 HOUSE
PS 2/12/2020 DP (6-1-0-0)
(No: KERN)
APPROP 2/19/2020 DP (11-0-0-0)

HB 2785(BSI) appropriations; DPS: school safety program
SPONSOR: PAYNE, LD 21 HOUSE
PS 2/12/2020 DP (4-2-0-1)
(No: ANDRADE, LONGDON Abs: HERNANDEZ D)
APPROP 2/19/2020 DP (9-2-0-0)
(No: FERNANDEZ, FRIESE)

Committee on Ways & Means

Chairman: Ben Toma, LD 22 **Vice Chairman:** Shawnna LM Bolick, LD 20
Analyst: Vince Perez **Intern:** Blake Gephart

HB 2752(BSI) individual income tax; rate adjustment.
SPONSOR: ROBERTS, LD 11 HOUSE
WM 2/19/2020 DPA (5-4-0-1)
(No: POWERS HANNLEY, EPSTEIN, CANO, SIERRA Abs: COBB)

HB 2771(BSI) tax credits; qualified facilities; extension
SPONSOR: TOMA, LD 22 HOUSE
WM 2/12/2020 DP (6-3-1-0)
(No: POWERS HANNLEY, GRANTHAM, EPSTEIN Present: BOLICK)

HB 2812(BSI) community facilities districts; viticulture
SPONSOR: PIERCE, LD 1 HOUSE
WM 2/19/2020 DP (8-2-0-0)
(No: POWERS HANNLEY, EPSTEIN)

Committee on Education

Chairman: Michelle Udall, LD 25 **Vice Chairman:** John Fillmore, LD 16
Analyst: Chase Houser **Intern:** Trisha Romero

HB 2143(BSI) collegiate athletics; compensation; representation
SPONSOR: KERN, LD 20 HOUSE
ED 2/17/2020 DP (9-1-1-2)
(No: PAWLIK Abs: SHOPE, LIEBERMAN Present: BLANC)

HB 2238(BSI) universities; public policy events
SPONSOR: KERN, LD 20 HOUSE
ED 2/17/2020 DPA (7-4-0-2)
(No: BOLDING, BLANC, PETEN, PAWLIK Abs: SHOPE, LIEBERMAN)

HB 2679(BSI) SFB; department of administration
SPONSOR: UDALL, LD 25 HOUSE
ED 2/17/2020 DPA (11-1-0-1)
(No: BLANC Abs: LIEBERMAN)
APPROP 2/19/2020 DPA (10-1-0-0)
(No: KERN)

HB 2741(BSI) CTEDs; fourth-year funding
SPONSOR: UDALL, LD 25 HOUSE
ED 2/10/2020 DPA (12-0-0-1)
(Abs: TOWNSEND)
APPROP 2/19/2020 DPA (10-0-1-0)
(Present: KAVANAGH)

HB 2762(BSI) project rocket pilot program; appropriations
SPONSOR: UDALL, LD 25 HOUSE
ED 2/10/2020 DPA (9-2-1-1)
(No: COBB, FILLMORE Abs: BIASIUCCI Present: BLANC)
APPROP 2/19/2020 DPA (9-2-0-0)
(No: FERNANDEZ, FRIESE)

HB 2790(BSI) baccalaureate degrees; community colleges
SPONSOR: NUTT, LD 14 HOUSE
ED 2/17/2020 DP (7-3-1-2)
(No: BLANC, PETEN, PAWLIK Abs: COBB, LIEBERMAN Present: BOLDING)

HCR 2032(BSI) initiatives; single subject; title
SPONSOR: KERN, LD 20 HOUSE
ELECT 2/18/2020 DP (6-4-0-0)
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

Committee on Regulatory Affairs

Chairman: Travis W. Grantham, LD 12 **Vice Chairman:** Bret Roberts, LD 11
Analyst: Jon Rudolph **Intern:** Loren Breen

HB 2809(BSI) professional licensure fees; waiver; reduction
SPONSOR: GRANTHAM, LD 12 HOUSE
RA 2/17/2020 DP (7-0-0-0)

HB 2817(BSI) airport fees prohibited; ride sharing
SPONSOR: GRANTHAM, LD 12 HOUSE
RA 2/17/2020 DP (4-3-0-0)
(No: POWERS HANNLEY, SHAH, TERÁN)

Committee on Natural Resources, Energy & Water

Chairman: Gail Griffin, LD 14 **Vice Chairman:** Timothy M. Dunn, LD 13
Analyst: Paul Bergelin **Intern:** Mackenzie Nintzel

HB 2787(BSI) water; augmentation authority; special districts
SPONSOR: SHOPE, LD 8 HOUSE
NREW 2/18/2020 DP (12-0-1-0)
(Present: GRIFFIN)

HB 2844(BSI) G&F; transfers; gold star children
SPONSOR: KERN, LD 20 HOUSE
NREW 2/18/2020 DP (12-0-0-1)
(Abs: TSOSIE)

Committee on Land & Agriculture

Chairman: Timothy M. Dunn, LD 13 **Vice Chairman:** Travis W. Grantham, LD 12
Analyst: Paul Bergelin **Intern:** Mackenzie Nintzel

HB 2612(BSI) appropriation; survey; desert tortoises
SPONSOR: DUNN, LD 13 HOUSE
LAG 2/6/2020 DP (7-0-0-0)

Committee on Commerce

Chairman: Jeff Weninger, LD 17 **Vice Chairman:** Travis W. Grantham, LD 12
Analyst: Paul Benny **Intern:** Michael Laird

HB 2826(BSI) tobacco; vaping; penalties; legal age
SPONSOR: OSBORNE, LD 13 HOUSE
COM 2/18/2020 DP (6-0-0-3)
(Abs: CHÁVEZ, ROBERTS, MEZA)

Committee on Government

Chairman: John Kavanagh, LD 23 **Vice Chairman:** Kevin Payne, LD 21
Analyst: Stephanie Jensen **Intern:** Jeremy Bassham

HB 2305(BSI) solid waste services; private provider
SPONSOR: TOWNSEND, LD 16 HOUSE
GOV 2/20/2020 DP (8-3-0-0)
(No: BLANC, DEGRAZIA, JERMAINE)

HB 2480(BSI) interlock restricted licenses; violations; reporting
SPONSOR: KAVANAGH, LD 23 HOUSE
GOV 2/20/2020 DPA (10-1-0-0)
(No: BLANC)

HB 2615(BSI) municipalities; utilities; vacant buildings
SPONSOR: GRIFFIN, LD 14 HOUSE
GOV 2/13/2020 DP (6-5-0-0)
(No: ESPINOZA, BLANC, DEGRAZIA, JERMAINE, SIERRA)

HB 2651(BSI) HOA; rental information; violation; penalty
SPONSOR: KAVANAGH, LD 23 HOUSE
GOV 2/20/2020 DPA (7-3-1-0)
(No: ESPINOZA, JERMAINE, PETERSEN Present: BLANC)

HB 2717(BSI) treasurer; pension prefunding; investment accounts
SPONSOR: KAVANAGH, LD 23 HOUSE
GOV 2/13/2020 DPA (11-0-0-0)

HB 2719(BSI) rubbish; removal; penalties
SPONSOR: PETERSEN, LD 12 HOUSE
GOV 2/13/2020 DP (11-0-0-0)

HB 2740(BSI) barbering, cosmetology, massage therapy; consolidation
SPONSOR: KAVANAGH, LD 23 HOUSE
GOV 2/20/2020 DPA/SE (9-0-0-2)
(Abs: BLANC, SIERRA)

HB 2810(BSI) Mormon migration monument; governmental mall
SPONSOR: BLACKMAN, LD 6 HOUSE
GOV 2/20/2020 DP (10-0-1-
(Present: BLANC

Committee on Elections

Chairman: Kelly Townsend, LD 16 **Vice Chairman:** Frank P. Carroll, LD 22
Analyst: Stephanie Jensen **Intern:** Jeremy Bassham

HB 2343(BSI) early voting; identification required
SPONSOR: FILLMORE, LD 16 HOUSE
ELECT 2/18/2020 DP (6-4-0-0)
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

HB 2364(BSI) election law amendments
SPONSOR: TOWNSEND, LD 16 HOUSE
ELECT 1/28/2020 DPA (10-0-0-0)

HB 2776(BSI) publicity pamphlet; submittal dates
SPONSOR: BOLICK, LD 20 HOUSE
ELECT 2/18/2020 DP (9-0-0-1)
(Abs: TOWNSEND)

HB 2805(BSI) Arizona election process study committee
SPONSOR: FINCHEM, LD 11 HOUSE
ELECT 2/18/2020 DP (6-4-0-0)
(No: SALMAN, JERMAINE, RODRIGUEZ, TERÁN)

Committee on Health & Human Services

Chairman: Nancy K. Barto, LD 15 **Vice Chairman:** Jay Lawrence, LD 23
Analyst: Ingrid Garvey **Intern:** Megan Larsen

HB 2260(BSI) health facilities; resuscitation; emergency care
SPONSOR: KERN, LD 20 HOUSE
HHS 2/20/2020 DPA (7-2-0-0)
(No: POWERS HANNLEY, BUTLER)

HB 2316(BSI) technical correction; health services; fees
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/20/2020 DPA/SE (9-0-0-0)

HB 2318(BSI) health care institutions; accreditation; inspections
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/20/2020 DP (9-0-0-0)

HB 2418(BSI) technical correction; mental illness; evaluation
(HHS S/E: orders for evaluation; process servers)
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/13/2020 DPA/SE (9-0-0-0)

HB 2420(BSI) insurance; prescription drugs; step therapy
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/6/2020 DPA (9-0-0-0)

HB 2421(BSI) adoption; removal; parental rights; suspension
(HHS S/E: DCS; report requirement)
SPONSOR: BARTO, LD 15 HOUSE
HHS 2/13/2020 DPA/SE (9-0-0-0)

HB 2600(BSI) adoption; original birth certificate; release
SPONSOR: ROBERTS, LD 11 HOUSE
HHS 2/20/2020 DPA (9-0-0-0)

HB 2774(BSI) medical assistants; training requirements
SPONSOR: GRANTHAM, LD 12 HOUSE
HHS 2/13/2020 DP (9-0-0-0)

HB 2831(BSI) epinephrine injections; first responders; immunity
SPONSOR: BOWERS, LD 25 HOUSE
HHS 2/20/2020 DPA (9-0-0-0)

HB 2843(BSI) sober living homes; fees; penalties
SPONSOR: KERN, LD 20 HOUSE
HHS 2/20/2020 DPA (7-2-0-0)
(No: POWERS HANNLEY, BUTLER)

Committee on Technology

Chairman: Bob Thorpe, LD 6 **Vice Chairman:** Jeff Weninger, LD 17
Analyst: Paul Benny **Intern:** Michael Laird

HB 2060(BSI) autonomous vehicles; safety features; prohibitions
SPONSOR: KAVANAGH, LD 23

HOUSE			
TECH	2/5/2020	DPA	(7-0-0-0)
TRANS	2/19/2020	DPA/SE	(8-0-0-1)
(Abs: PAYNE)			

Committee on Transportation

Chairman: Noel W. Campbell, LD 1 **Vice Chairman:** Leo Biasiucci, LD 5
Analyst: Jason Theodorou **Intern:** Valeria Garcia

HB 2396(BSI) appropriation; Cornfields low-water crossing
SPONSOR: TELLER, LD 7

HOUSE			
TRANS	2/5/2020	DP	(9-0-0-0)
APPROP	2/19/2020	DPA	(10-1-0-0)
(No: FILLMORE)			

HB 2590(BSI) ADOT; signs; driving on right
SPONSOR: GRIFFIN, LD 14

HOUSE			
TRANS	2/19/2020	DPA/SE	(8-0-0-1)
(Abs: PAYNE)			

HB 2767(BSI) arts special license plates
SPONSOR: OSBORNE, LD 13

HOUSE			
TRANS	2/19/2020	DP	(6-2-0-1)
(No: ANDRADE, GABALDÓN Abs: TELLER)			

HB 2842(BSI) license plate standards; reflectivity; reissuance
SPONSOR: KERN, LD 20

HOUSE			
TRANS	2/19/2020	DPA	(5-4-0-0)
(No: ANDRADE, GABALDÓN, TELLER, TERÁN)			

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: APPROP DP 11-0-0-0

HB 2795: appropriation; railway safety inspectors
Sponsor: Representative Toma, LD 22
Caucus & COW

Overview

Appropriates $196,600 from the state General Fund in FY 2021 to the Arizona Corporate Commission (CC) for railway inspectors.

History

State law requires the CC to prescribe to standards for the safety of railroads. The CC may enter any place engaged in the operations of railroads for the purpose of ascertaining whether they are in compliance with the prescribed standards (A.R.S. § title 40, chapter 4, article 3).

Laws 2018, Chapter 333 appropriated $196,600 one-time, in addition to any other appropriation, for Railway Safety Inspectors.

The FY 2020 budget included no funding from the state General Fund for railroad safety inspectors (FY 2020 JLBC Appropriations Report).

Provisions

1. Appropriates $196,600 one-time, in addition to any other appropriation, from the state General Fund in FY 2021 to the CC for the purpose of funding two railway safety inspectors. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 9-1-0-0-0

HB 2148: anti-racketeering revolving funds; reports; penalty
Sponsor: Representative Thorpe, LD 6
Caucus & COW

Overview

Outlines penalties for entities receiving Anti-Racketeering Revolving Fund or County Anti-Racketeering Fund monies that fail to file the required quarterly report.

History

The Anti-Racketeering Revolving Fund (ARRF), administered by the Arizona Attorney General (AG), consists of monies derived from seized property and assets resulting from judgments pursuant to anti-racketeering statutes. Monies in ARRF may be used for, among other things: 1) gang prevention, substance abuse prevention, substance abuse education and victim assistance programs or any purpose permitted by federal law; or 2) the investigation and prosecution of racketeering offenses (A.R.S. § 13-2314.01). County ARRFs are administered by each county attorney and may be used for the same purposes as the state ARRF (A.R.S. § 13- 2314.03).

Arizona law requires the AG, departments and state agencies, including counties, that use ARRF to report quarterly to the Arizona Criminal Justice Commission (ACJC) the sources of all monies and all expenditures. ACJC is then required to compile the quarterly reports into a single comprehensive annual report due by September 30 to the Governor, the Director of the Arizona Department of Administration, the President of the Senate, the Speaker of the House of Representatives, the Director of the Joint Legislative Budget Committee (JLBC) and the Secretary of State (A.R.S. §§ 13-2314.01, 13- 2314.03).

Provisions

1. States if an agency, department or political subdivision receiving ARRF monies fails to file the required quarterly report within 45 days after it is due and no good cause is determined, then the entity is subject to a civil penalty of $500 or 25% of the forfeiture proceeds received during the reporting period, whichever is greater. (Sec. 1)
2. Mandates civil penalties collected from an agency, department, AG or political subdivision that failed to file the required quarterly report will be deposited into the state general fund. (Sec. 1)
3. States if the AG fails to file the required quarterly report within 60 days after it is due and no good cause is determined, then the AG is subject to a civil penalty of $500 or 25% of the forfeiture proceeds received during the reporting period, whichever is greater. (Sec. 1)
4. Requires ACJC to publish on its website the compiled quarterly ARRF report within 24 hours of electronically submitting it to the Governor, Director of the Department of Administration, President of the Senate, Speaker of the House of Representatives, the Director of the Joint Legislative Budget Committee and the Secretary of State. (Sec. 1)
5. States if a county attorney or political subdivision receiving County ARRF monies fails to file the required quarterly report within a specified timeframe after it is due and no good cause is determined, then the entity is subject to a civil penalty of $500 or 25% of the forfeiture proceeds received during the reporting period, whichever is greater. (Sec. 2)

6. Mandates civil penalties collected from a county attorney or political subdivision receiving County ARRF funds that failed to file the required quarterly report will be deposited into the state general fund. (Sec. 2)
7. Requires ACJC to publish on its website the compiled quarterly County ARRF report within 24 hours of electronically submitting it to the Governor, Director of the Department of Administration, President of the Senate, Speaker of the House of Representatives, the Director of the Joint Legislative Budget Committee and the Secretary of State. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 10-0-0-0

HB 2228: theft by extortion; defense
Sponsor: Representative Allen J, LD 15
Caucus & COW

Overview

Amends what constitutes a defense to theft by extortion. Classifies the penalty for theft by extortion as a class 2 or 4 felony, depending on the circumstances.

History

It is an affirmative defense against prosecution for theft by extortion if:

1) Restitution or indemnification for harm done under circumstances to which the accusation, exposure, lawsuit or other official action relates;
2) Compensation for property that was lawfully obtained or for lawful services. Theft by extortion as defined in subsection A, paragraph 1 is a class 2 felony; and
3) Otherwise, theft by extortion is a class 4 felony (A.R.S § 13-1804).

Provisions

1. Asserts that property or services obtained or sought to be obtained by threat of accusation, exposure, lawsuit or other invocation of official action is a reasonable defense to prosecution for theft by extortion. (Sec. 1)

2. Specifies that theft by extortion is a class 4 felony unless physical injury by means of a deadly weapon or death is caused, then it is a class 2 felony. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session
JUD DPA 10-0-0-0-0-0

HB 2320: psychiatric security review board; hearings
Sponsor: Representative Barto, LD 15
Caucus & COW

Overview

Rewrites existing statutes relating to Arizona Psychiatric Security Review Board (PSRB) and adds additional statutory framework for the PSRB.

History

The PSRB was established in 1994 to maintain jurisdiction over persons the superior court has found guilty except insane (GEI) who have caused or threatened to cause death or serious physical injury to another individual. Current law requires GEI individuals to be placed under the PSRB's jurisdiction for the length of their presumptive sentence and to be committed to the Arizona State Hospital (ASH), which is operated by the Arizona Department of Health Services (DHS). Statute authorizes the PSRB to release any GEI person under its jurisdiction from ASH to the community if the person meets statutory release criteria (A.R.S. §13-502).

In December 2018, the Arizona Auditor General issued a Performance Audit and Sunset Review, Report 18-107, on PSRB. According to the report, the PSRB had 120 GEI persons under its jurisdiction, with 100 residing in ASH, 19 residing in the community and 1 transferred to the Arizona Department of Corrections (ADC). The PSRB is scheduled to sunset on July 1, 2020 (A.R.S. § 41-3020.11)

Provisions

Commitment hearing in superior court; jurisdiction; census data collection

1. States a person who is found GEI must be committed to a secure mental health facility (SMHF) under DHS for a period of treatment. (Sec. 6)
2. States if the person's act did not cause the death or serious physical injury of or the threat of death or serious physical injury to another person, the court must set a hearing within 75 days after the person's commitment to determine if the person is entitled to release from confinement or if the person meets the standards for civil commitment. (Sec. 6)
3. Requires the court to notify the medical director of the SMHF, the victim and the parties of the date of the hearing. (Sec. 6)
4. Stipulates that 14 days before the hearing, the medical director of the SMHF must submit a mental health report (MHR) to the court and the parties addressing whether the person meets the standard for and should be subject to involuntary hospitalization. (Sec. 6)
5. Outlines that at a hearing held:

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

a) If the person proves by clear and convincing evidence that the person no longer has a mental disorder or the person still has a mental disorder and is not dangerous, the court must order the person's release and the person's commitment ordered must terminate; and

b) If the court finds that the person still has a mental disorder and may present a threat of danger to self or others, has a grave, persistent or acute disability or has a propensity to reoffend, it must order the county attorney to institute civil commitment proceedings and the person's commitment ordered must terminate. (Sec. 6)

6. States that if the court finds that the person's act caused the death or serious physical injury of or the threat of death or serious physical injury to another person, the court must place the person under the jurisdiction of the PSRB. Requires the court to state the beginning date, length and ending date of the PSRB's jurisdiction over the person. (Sec. 6)
7. States the length of the PSRB's jurisdiction over the person is equal to the sentence the person could have received or the presumptive sentence the person could have received. Stipulates that in making the determination, the court may not consider the sentence enhancements for prior convictions. (Sec. 6)
8. States that if a person is found GEI, DHS must assume custody of the person within 10 days after receiving the commitment order (Sec. 6)
9. Requires ASH to collect census data for GEI treatment programs to establish maximum capacity and the allocation formula pursuant to clinical assessment requirements. (Sec. 6)
10. States if ASH reaches its maximum funded capacity for forensic programs, DHS may defer the admission of the person found GEI for up to an additional 20 days. (Sec. 6)
11. Requires DHS to reimburse the county for the actual costs of each day the admission is deferred. (Sec. 6)
12. Stipulates if DHS is not able to admit the person found GEI at the conclusion of the 20-day deferral period, DHS must notify the sentencing court, prosecutor and defense counsel. (Sec. 6)
13. Stipulates that on receipt of this notification, the prosecutor or the person's defense counsel may request a hearing to determine the likely length of time admission will continue to be deferred and whether any other action should be taken. (Sec. 6)
14. Directs the court to set a hearing within 10 days upon receipt of the request for hearing. (Sec. 6)
15. Requires the parties to provide the PSRB and the SHMF with a copy of the court's commitment order and all documents considered by the court or admitted into evidence, including all medical and MHR's. (Sec. 6)
16. Requires the court to retain jurisdiction of all matters that are not specifically delegated to the PSRB for the duration of the PSRB's jurisdiction over the person. (Sec. 6)

Examination of defendant pleading guilty except insane; privilege inapplicability; sealed reports

17. Specifies that on request of the court or any party, with the consent of the defendant and after a determination that a reasonable basis exists to support the GEI defense, the court must appoint a qualified expert to evaluate the defendant and provide a written report that includes:
    a) The mental status of the defendant at the time of the alleged offense; and

b) If the expert determines that the defendant suffered from a mental disorder at the time of the alleged offense, the relationship of the mental disorder to the alleged offense. (Sec. 7)

18. Directs the parties to provide all available medical, mental health and criminal history records to the qualified expert within 10 days after the appointment. Stipulates that on notice of the court the qualified expert may request additional records from the parties. (Sec. 7)

19. Directs the defense attorney to nominate its own qualified expert to examine the defendant to determine the defendant's mental status at the time of the alleged offense if the defendant provides a notice of a GEI defense. (Sec. 7)

20. Allows the state to call the same number of medical doctors and licensed psychologists who will testify on behalf of the defense. (Sec. 7)

21. States that after a plea of guilty or after disposition of a matter where the defendant has pled GEI, the court must order all reports to be sealed. States the court may order that the reports be opened only as follows:

a) For use by the court or defendant, or by the prosecutor if otherwise allowed by law, for further competency or sanity evaluations or in a hearing to determine whether the defendant is eligible for court-ordered treatment or is a sexually violent person;

b) For statistical analysis;

c) When the records are deemed necessary to assist in mental health treatment;

d) For use by the probation department or the State Department of Corrections (ADC) if the defendant is in the custody of or is scheduled to be transferred into the custody of ADC to assess and supervise or monitor the defendant by that department;

e) For use by a mental health treatment provider that provides treatment to the defendant or that assesses the defendant for treatment;

f) For data gathering; or

g) For scientific study. (Sec. 7)

22. Provides that any statement made by the defendant during an examination that is conducted or any evidence resulting from that statement is not subject to disclosure. (Sec. 7)

Persons under the jurisdiction of PSRB; hearing; mental health report; risk assessment; conditional release; board notices and decisions

23. Rewrites the section of statute dealing with persons under the jurisdiction of the PSRB. (Sec. 8)

24. Clarifies that a person who is placed under the jurisdiction of the PSRB is not eligible for discharge from the PSRB's jurisdiction until *the date that* the PSRB's jurisdiction over the person expired *as set by the committing court or the person's case is transferred back to the superior court*. (Sec. 8)

25. Clarifies if the PSRB finds that person no longer needs ongoing treatment for a mental disorder, is not dangerous and does not have a propensity to reoffend, the PSRB must order the person's *transfer to the superior court for either a judicial review or placement on supervised probation for the remainder of the commitment term, or both.* (Sec. 8)

26. Specifies that PSRB's jurisdiction over the person terminates when the person is transferred to the superior court. (Sec. 8)

27. Clarifies that if the person is sentenced and the PSRB finds that the person no longer has a mental disorder and the person is dangerous, PSRB must order the person *to be transferred to the superior court for the imposition of a sentence or judicial review, or both.* (Sec. 8)

28. States a person who is conditionally released is subject to all of the following:

    a) The PSRB in conjunction with the SMHF and supervisors from the behavioral health community providers must agree on and specify the conditions of the person's release and the PSRB must monitor the person on conditional release;

    b) Before the person is conditionally released a supervised treatment plan must be in place;

    c) The PSRB may implement the person's conditional release in incremental steps beginning with supervised passes into the community for increasing lengths of time, continuing through independent passes and ending with release to live in the community. Before implementing each stage of conditional release, the PSRB must find by clear and convincing evidence that the community will be protected, and the person will be safe under the proposed supervised treatment plan;

    d) If approved by the PSRB, pass supervisors may include members of the inpatient or outpatient treatment team, other mental health treatment providers or other responsible persons who are willing to ensure that the person abides by the conditional release terms; and

    e) The SMHF must implement the PSRB's conditional release order or provide the PSRB and the parties with reasons why the SMHF did not implement the order. (Sec. 8)

29. States that the party or treatment supervisor that is seeking a change in privileges or a change is hospitalization has the burden of proof by clear and convincing evidence. (Sec. 8)

30. Stipulates that all hearings conducted by the PSRB are subject to uniform administrative hearing procedures prescribed in statute, unless otherwise. (Sec. 8)

31. Stipulates a party or treatment supervisor must submit a request for a hearing to the PSRB at least 45 days before the requested hearing date and must include the reasons for the request. (Sec. 8)

32. Requires the requesting party to provide the PSRB, treatment supervisor and all other parties with a copy of the hearing request. (Sec. 8)

33. States the PSRB must provide written notice of the hearing or a denied request for a hearing to all parties and the person's treatment supervisor within seven days after receiving a request for the hearing. The PSRB may include the following in the notice:

    a) A request for an order of an MHR;

    b) An updated risk assessment report;

    c) Specific records from the person's chart or from a specific member of the person's family; and

    d) May include a request for a specific person to appear and provide testimony at the hearing. (Sec. 8)

34. Stipulates that the above-mentioned section does not prohibit the PSRB from issuing a subpoena pursuant to uniform administrative hearing procedures prescribed in statute. (Sec. 8)

35. States the PSRB may only consider evidence, reports, documents, statements and materials that are submitted to the PSRB, treatment supervisor and the parties at least 14 days before the date of the hearing and allows the PSRB to grant a request to continue a hearing in order to comply with the above-mentioned provisions. (Sec. 8)

36. States the PSRB is effective on oral pronouncement and must issue a written decision to all parties, any victim and the committing court within seven days after the conclusion of the hearing. (Sec. 8)

37. Requires the written decision to contain a summary of the evidence that the PSRB found to be credible and any evidence found to be unpersuasive, specific separately stated finding of fact and conclusions of law and information on the person's right to appeal. Sec. 8)

38. Requires the findings of fact to include a concise and explicit statement of the underlying facts that support the findings. (Sec. 8)

39. States that any portion of the PSRB's order that contains private identifying information about the patient, treatment supervisor or pass supervisor must be maintained in a separate confidential section and may not be disclosed to the public or to a victim. (Sec. 8)

40. Defines *private identifying information*. (Sec. 8)

Psychiatric Security Review Board; members, terms; compensation; executive director

41. Transfers and renumbers A.R.S. § 31-501 for placement in Title 13, Chapter 38, Article 14 as A.R.S. § 13-3995. (Sec. 9)

42. Changes the PSRB's meeting requirement to conduct business from twice a month to once a month, unless the chairperson determines that there is sufficient business before the PSRB to warrant additional meetings. (Sec. 9)

43. States a member must receive $250 for attending a PSRB meeting and $250 for PSRB meeting preparation. (Sec. 9)

44. States the chairperson or co-chair must receive $50 for each day that the chairperson or co-chair is engaged in an activity that is substantially related to PSRB duties and that is outside of a PSRB meeting and meeting preparation. (Sec. 9)

45. Requires the PSRB to employ an executive director and states the executive director:

    a) Serves at the pleasure of PSRB;

    b) Performs all administrative, operational and financial functions;

    c) May not engage in ex-parte communication, offer legal advice, question a witness or participate in PSRB deliberations;

    d) Is eligible to receive compensation;

    e) Is subject to state personnel system requirements prescribed in statute and may employ additional administrative personnel. (Sec. 9)

46. Provides that the presence of three members of PSRB constitutes a quorum for the transaction of business. (Sec. 9)

Psychiatric Security Review Board; powers; duties

47. Transfers and renumbers A.R.S. § 31-502 for placement in Title 13, Chapter 38, Article 14 as A.R.S. 13-3996. (Sec. 10)

48. Clarifies that the PSRB must hold hearings to determine if a person committed to a SMHF is eligible for conditional release or transfer back to superior court. (Sec. 10)

49. Clarifies that *on notice from the PSRB* or an application by *a treatment supervisor*, the PSRB must hold a hearing to determine if the conditional release should be, continued, modified, *suspended* or terminated. (Sec. 10)

50. Clarifies that notice must be given to the parties and before a hearing disclose to the treatment supervisor and the parties information, documents or reports that the board will be considering. (Sec. 10)

51. Clarifies that within seven days after the conclusion of a hearing, the PSRB must provide a written decision and, if the conditional release was granted or modified, the terms of conditional release to the treatment supervisor and the parties. (Sec. 10)

52. Requires the chair or co-chair and the person who is under the PSRB's jurisdiction sign the terms of conditional release. (Sec. 10

53. Stipulates the terms must contain a notice that PSRB or the outpatient treatment supervisor may order the person's return to hospitalization if the PSRB or outpatient treatment supervisor has a reasonable belief that the person has violated the terms of conditional release or the person's mental health has deteriorated. (Sec. 10)

54. Requires at least three members voting in the affirmative to deny, grant, modify, continue, suspend or terminate a person's conditional release based on clear and convincing evidence. (Sec. 10)

55. Requires the PSRB to request in the notice of hearing that a specific witness who is from the person's treatment team attend a hearing and specifies that if a witness is requested in the notice of hearing, the person's treatment supervisor is responsible for notifying the witness. (Sec. 10)

56. Requires the PSRB to continue a hearing if the PSRB determines that the standard of clear and convincing evident has not been met. (Sec. 10)

57. Requires the PSRB to receive witness testimony and deliberate in a hearing that is closed to the public. (Sec. 10)

Hearing on motion of the Psychiatric Security Review Board; expedited hearing; return to hospitalization

58. States that the PSRB, on its own motion, may set a hearing to monitor a person's progress after giving at least 60 days' notice to the parties and the treatment supervisor. Allows the PSRB to order the person's treatment supervisor to provide an MHR to the PSRB and the parties within 30 days after providing the notice of the hearing (NOH). (Sec. 11)

59. States that if sufficient cause exists, the PSRB may set an expedited hearing to monitor a person's progress or mental health and requires the PSRB to include in the NOH the specific reasons for the expedited hearing and attach all documents and evidence that support the need for the hearing,

including any of the PSRB's concerns that need to be addressed by the parties or the treatment supervisor. (Sec. 11)

60. Allows the PSRB to order an expedited MHR from the person's treatment supervisor. (Sec. 11)

61. States if a person is conditionally released to the community and the PSRB receives a reliable report that the person has violated the PSRB's conditional release order or that the person's mental health has deteriorated, the chairperson or vice-chairperson may order the person's return to hospitalization. (Sec. 11)

62. Stipulates that before ordering a person's return to hospitalization, the chair or vice-chair must consult with the treatment supervisor or the supervisor's designee to determine if rehospitalization is necessary to protect the safety of the public or the person. (Sec. 11)

63. Allows the chair or vice-chair, with sufficient cause, to waive the requirement to consult with the treatment supervisor or supervisor's designee and issue the return order immediately. (Sec. 11)

64. Stipulates that if the return order is issued before a consultation occurs, the chair or vice-chair must consult with the treatment supervisor or supervisor's designee as soon as possible after the order is issued and the PSRB must set a hearing. (Sec. 11)

65. Stipulates that whether on the PSRB's motion or on motion of the person or treatment supervisor, PSRB must hold a hearing for each person under the PSRB's jurisdiction at least once every 24 months. (Sec. 11)

Hearing on request of the treatment supervisor; requirements; release terms

66. Directs the PSRB to grant a hearing that is requested by a treatment supervisor. (Sec. 11)

67. Directs the treatment supervisor to submit the request to the PSRB and the parties simultaneously and include an MHR that specifies the reasons for the request. (Sec. 11)

68. States that if the treatment supervisor's recommendation to the PSRB includes a request for the addition of or changes to conditional release status, a proposed form of order must accompany the recommendation. (Sec. 11)

69. States that if a treatment supervisor believes that the person has violated a conditional release term or that the person's mental health has deteriorated, the PSRB must grant the treatment supervisor's request for a hearing and:

    a) If the person is residing in the SHMF the treatment supervisor may suspend the person's conditional release pending the hearing and a determination by PSRB. The treatment supervisor must submit a written MHR, including the circumstances and the reasons for any proposed change to the PSRB and the parties within seven days after the request for a hearing; and

    b) If the person is conditionally released to the community, the chair or vice-chair may order the person's return to hospitalization and set a hearing. If a person is returned to hospitalization, the outpatient treatment supervisor must submit an MHR to the PSRB and the parties within three days after a request is made. The report must provide all of the information that was considered before granting the return order; and

    c) If the safety of the community or the person is not at risk, the chair or vice-chair, pending the hearing and the PSRB's determination, may allow the person to remain in the community subject

to the person's conditional release terms. If a person remains in the community, the outpatient treatment supervisor must submit an MHR to the PSRB and the parties within seven days after the request is made. (Sec. 11)

70. Stipulates that if the person is conditionally released to the community and the treatment supervisor has sufficient cause to believe that the person's mental health has deteriorated such that immediate rehospitalization is necessary to protect the safety of the public or the person, the treatment supervisor may sign an order directing the person's return to the SMHF and the person be immediately readmitted. (Sec. 11)

71. Requires the treatment supervisor to inform the PSRB and the parties within 24 hours after the person's return and requires the PSRB to set a hearing. (Sec. 11)

72. Requires the outpatient treatment supervisor to submit a written MHR to the PSRB and the parties within three days after the person's return and must include all of the information that was considered before ordering the person's return. (Sec. 11)

Hearing on motion of a person under the jurisdiction of the Psychiatric Security Review Board

73. Allows a person who is under the jurisdiction of PSRB to request a hearing and PSRB must grant the hearing no sooner than 120 days after the person is committed and placed under the PSRB's jurisdiction. (Sec. 11)

74. States that after the initial hearing or any subsequent hearing, a person may request, and the PSRB must grant a hearing not sooner than 20 months after the previous hearing. (Sec. 11)

75. Allows the PSRB, with sufficient cause, to grant a motion for a hearing by the person who is under the jurisdiction of PSRB at any time. (Sec. 11)

76. States if the person who is under the jurisdiction of the PSRB is requesting a change in their conditional release status, the request must include a proposed form of order and may be accompanied by an MHR. (Sec. 11)

77. States if the person who is under the jurisdiction of PSRB is conditionally released to the community and believes that rehospitalization is necessary to protect the person's safety or the safety of the public, the person may present himself to the outpatient treatment supervisor and request that the outpatient treatment supervisor sign an order for immediate readmission to the SHMF and requires the PSRB to set a hearing. (Sec. 11)

78. Requires the inpatient and outpatient treatment supervisors to submit an MHR to PSRB within seven days after the person is readmitted. (Sec. 11)

Return of person under board's jurisdiction to secure mental health facility; procedures

79. States that a written order of the chair, vice-chair or treatment supervisor is sufficient for a law enforcement officer to take a person into custody and to transport the person to a SHMF. (Sec. 11)

80. Requires a copy of the return order to be immediately provided to the parties, the PSRB and the treatment supervisor. (Sec. 11)

81. Requires the sheriff or other peace office to execute the order and immediately notify the PSRB of the person's return to the SMHF. (Sec. 11)

82. States that within 24 hours after a return order is issued, the entity that ordered the return must provide to the parties, the PSRB and the treatment supervisor all information and evidence that was considered when ordering the person's return. (Sec. 11)

83. States that within seven days after returning the person to the SMHF, PSRB must hold a hearing to determine if the return was supported by sufficient cause. (Sec. 11)

84. States that if the person's return was:

    a) Not supported by sufficient cause, the PSRB must order the person's immediate release under the previously imposed conditional release terms. The PSRB, with sufficient cause may amend conditional release terms;

    b) Supported by sufficient cause, the PSRB may amend the conditional release terms and release the person if the PSRB finds by clear and convincing evidence that the safety of the community and the person is protected by the original or the amended conditional release terms; or

    c) Supported by sufficient cause and the PSRB determines that the person needs further evaluation or treatment, the PSRB may suspend the terms of conditional release and set another hearing within 90 days and the inpatient treatment supervisor must consult with the outpatient treatment supervisor, submit an MHR to the PSRB containing a recommendation to either terminate, amend or reinstate the person's conditional release and include a proposed form of order by a date set by PSRB . (Sec. 11)

Hearing on expiration of psychiatric security review board's jurisdiction

85. Stipulates that at least 30 days before the expiration of the PSRB's jurisdiction over a person, the PSRB must set an expiration hearing and order the treatment supervisor to provide to the PSRB and the parties a MHR. (Sec. 11)

86. Requires the report to include an evaluation of whether the person may be a danger to self or others or persistently and acutely or gravely disabled and whether the person meets the criteria for involuntary hospitalization. (Sec. 11)

87. States that at an expiration hearing and based on the evidence presented, the PSRB may allow the PSRB's jurisdiction to expire without further action or may order the county attorney of the committing county to begin proceedings for involuntary civil evaluation. (Sec. 11)

88. States if the PSRB orders an involuntary civil evaluation for a person who resides in the community, the order must require the person's appearance at a specified time and location and participation in the evaluation before the expiration of the PSRB's jurisdiction. (Sec. 11)

89. Directs the treatment supervisor to assist the person with securing transportation to the location of the evaluation. (Sec. 11)

90. Requires the PSRB to order the sheriff of the committing county to transport the person at a specified time and location so that the person may participate in the evaluation before the expiration of the PSRB's jurisdiction over the person, if PSRB orders involuntary civil evaluation for a person who resided in a SMHF. (Sec. 11)

Transferring jurisdiction of a person from the psychiatric security review board to superior court; procedures

91. States if the PSRB orders a person to be transferred to the superior court, the person's case must be remanded to the committing court for suspension or imposition of sentence and a judicial review of the transfer, or both. (Sec. 11)

92. Specifies that within 20 days after the PSRB orders a person's transfer to superior court, the person may request a judicial review. (Sec. 11)

93. Requires a petition for judicial review to be filed with the committing court and served on the PSRB, the SMHF and the state. (Sec. 11)

94. States that at the judicial review hearing, the treatment supervisor has the burden to prove by clear and convincing evidence that the transfer is appropriate. (Sec. 11)

95. States the issues of the review are limited to all of the following:

    a) Whether the person needs ongoing treatment for a mental disorder;

    b) Whether the person is dangerous to self or others or has a propensity to reoffend; and

    c) Whether the person's offense is eligible for commitment to ADC;

96. Specifies that if the court finds the transfer is appropriate, the court must suspend the person's sentence and place the person on supervised probation for the remainder of the commitment term or impose the sentence and order the person to be imprisoned in ADC. (Sec. 11)

97. Mandates that all time spent under the PSRB's jurisdiction and any time spent incarcerated must be credited against any sentence imposed. (Sec. 11)

98. Stipulates if the court finds the transfer is not supported by the evidence, the court must transfer jurisdiction of the person back to PSRB. (Sec. 11)

99. Stipulates that at the time of sentencing or placement on probation, the court must notify the person in writing of the person's appeal rights under Rule 31 of Arizona Rules of Criminal Procedure. (Sec. 11)

Independent expert witness; opinion evidence

100. States that before any hearing, either party may retain an independent qualified expert to evaluate the person and make recommendations to the PSRB. (Sec. 11)

101. Requires the county of the committing court to pay all costs associated with the evaluation if the person is indigent. (Sec. 11)

102. States that if the person retains a qualified expert, the qualified expert must provide to the state's expert, on request, all records considered or generated by the qualified expert. (Sec. 11)

103. Stipulates that if the person retains a qualified expert, the person must submit to the state's evaluation, if requested, or is precluded from presenting the person's own qualified expert opinion. (Sec. 11)

104. Requires an independent qualified expert who is retained by either party provide a written report to the opposing party, the PSRB and the treatment supervisor at least 14 days before a hearing, if providing testimony. (Sec. 11)

105. Specifies that if requested, the qualified expert must be available for an interview or deposition by the opposing party. (Sec. 11)

106. States that either party may request and the PSRB, with sufficient cause, may grant a continuance for a hearing to accommodate a reasonable request to obtain a qualified expert evaluation. (Sec. 11)

107. Mandates that a hearing that is requested may not be continued at the state's request. (Sec. 11)

108. Mandates that a hearing that is held at the expiration of the PSRB's jurisdiction may not be continued. (Sec. 11)

109. Allows PSRB, with sufficient cause, to order a mental health evaluation by an independent qualified expert. (Sec. 11)

110. Stipulates that an evaluation conducted is at the PSRB's expense. (Sec. 11)

111. States that an expert who is appointed by PSRB must provide a written report to the parties and the treatment supervisor at least 14 days before a hearing. (Sec. 11)

112. Directs the expert be available to testify and, if requested, be interviewed or deposed by either party. (Sec. 11)

Miscellaneous

113. Changes the article heading of Title 13, Chapter 38, Article 14 from *procedures on issue of insanity of defendant* to *psychiatric security review board*. (Sec. 4)

114. Transfers and renumbers A.R.S. §§ 13-3991 and 13-3992 for placement in Title 13, Chapter 41 as A.R.S. §§ 13-4519 and 13-4520. (Sec. 5)

115. Defines terms. (Sec. 6)

116. Repeals the title heading of Title 31, Chapter 4. (Sec. 13)

117. Repeals the article heading of Title 31, Chapter 4, Article 1. (Sec. 13)

118. Repeals Title 13, Chapter 38, Article 14 on January 1, 2021. (Sec. 17)

119. Directs Legislative Council to prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the 55th Legislature, First Regular Session. (Sec. 19)

Amendment

Committee on Judiciary

1. States the *mental health report* means a report that is written by a treatment supervisor or other qualified expert and that documents the condition of a person's mental health.
2. States the Board may set a hearing to monitor a person's progress or mental health and that a treatment supervisor may request a hearing to evaluate release terms.
3. States the Board may include with written notice of the hearing a request for a mental health report that includes testimony and specific records from the rest of the person's treatment.
4. Removes language that at a hearing a request can be made to include a request for a specific person to appear and provide testimony at the hearing.
5. Mandates the Board may only consider written evidence at the hearing.
6. Asserts that a witness must be notified at least fourteen days before the date of the hearing.
7. Adds *board member training* to the section title for A.R.S. 13-3995.

8. Asserts the PSRB is established as an independent state agency.
9. Prohibits any person who is employed by a county attorney, attorney general, or public defense agency from serving as a Board member on the PSRB.
10. States beginning January 1, 2021, each board member must complete a 12-hour training within one year of appointment to the board.
11. Requires the board to submit an annual report to the Governor, Secretary of State, and the Legislature.
12. Outlines the processes on the hospitalization or rehospitalization of a person who has violated the term of conditional release, in need of immediate care, or a person whose mental health creates a risk to the safety of the public or any person.
13. Appropriates funds from the state general fund to the PSRB for operating costs.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 10-0-0-0

HB 2370: technical correction; jury; expenses
Sponsor: Representative Finchem, LD 11
Caucus & COW

Overview

Makes a technical correction by removing a duplicate statement that food, lodging, and other reasonable necessities are at the expense of the county during criminal cases.

History

While a jury is kept together, the court must provide the jury with food, lodging and other reasonable necessities at the expense of the county. The expense is considered a county charge in criminal cases, and such charges must be assessed against the losing party in civil cases (A.R.S. 21-122).

Provisions

1. Makes a technical correction by removing a duplicative statement that food, lodging and other reasonable necessities are at the expense of the county during criminal cases. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DP 6-3-1-0-0

HB 2538: health care workers; assault; prevention
Sponsor: Representative Shah, LD 24
Caucus & COW

Overview

Outlines penalties for an assault on a health care worker and procedures for preventing, investigating, reporting and recording an assault.

History

Currently, aggravated assault is a class 3 felony, except if the aggravated assault is committed against a person who is under 15 years of age, then it is a class 2 felony. If the person commits the assault by any means of force and causes temporary but substantial disfigurement, loss or impairment of any body organ, part or a fracture of any body party, is a class 4 felony.

Aggravated assault is a class 5 felony if a person attempts to take control of a peace officer's or other officer's firearm and the person knows or has reason to know that the victim is a peace officer or other officer employed at any other agency. The following are some examples of an aggravated assault that is classified as a class 6 felony:

1) If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired;
2) If the person commits the assault after entering the private home of another with the intent to commit the assault;
3) If the person is eighteen years of age or older and commits the assault on a minor under fifteen years of age; or
4) If the person commits assault if the person is in violation of an order of protection issued against the person. (A.R.S. § 13-1204)

Provisions

1. States a person commits assault if the person knows, or has reason to know, the victim is a health care worker engaged in the health care worker's work duties. (Sec. 1)
2. Changes the classification of aggravated assault from a class 6 to a class 5 felony if the assault is committed against a health care worker. (Sec. 1)
3. Defines *health care worker* as:
    a) A person who works at a licensed health care institution;
    b) A person who is working to provide health care or related services in a fieldwork setting, including:
        i. Home health care, home-based hospice and home-based social work, unless the worker privately employed in the individual's residence, if the worker performs covered services for the individual or a family member of the individual; and

ii. Any emergency services and transport, including the services provided by firefighters and emergency responders. (Sec. 1)

4. Mandates within six months after the effective date, health care employers must develop, implement and maintain a written workplace violence prevention plan that accomplishes all of the following:

   a) Includes information tailored to the conditions and hazards of the health care employer's sites and patient-specific risk factors;

   b) Identifies the individual responsible for implementing and overseeing the plan;

   c) Requires the continuous posting of signs in public areas throughout the health care employer's sites, including all emergency facilities, that are at least 18 inches by 18 inches in size and that provide notice that assault on a health care worker may be prosecuted as a felony;

   d) Includes reporting, incident response and post-incident investigation procedures, including:

      i. Health care workers reporting workplace violence risks, hazards and incidents;

      ii. Health care employers responding to reports of workplace violence; and

      iii. Health care employers performing a post-incident investigation and debriefing of all reports of workplace violence with the participation of health care workers.

   e) Includes procedures for emergency response and indictments involving a firearm or a dangerous weapon; and

   f) Requires health care employees to provide information to health care workers about the ability to report any assault to law enforcement and to assist the worker in reporting the assault. (Sec. 2)

5. Requires each health care employer make its workplace violence prevention plan available at all times to health care workers and contractors. (Sec. 2)

6. Instructs after a workplace violence incident that a health care employer has knowledge of be investigated and must do all of the following:

   a) Review the circumstances of that incident;

   b) Ask for input from involved health care workers and supervisors about the cause of the incident and whether further corrective measures could have prevented the incident;

   c) Document the findings, recommendations and corrective measures taken for each investigation conducted; and

   d) File an annual report with the Department of Health Services documenting the number of incidents each year. (Sec. 2)

7. Directs each health care employer to provide training and education to its health care workers who may be exposed to workplace violence, hazards and risks. (Sec. 2)

8. Mandates each health care employer maintain the following:

a) Records relating to each of the employer's workplace violence prevention plans, including identifying, evaluating, correcting hazards, risks and training procedures; and

b) A violent incident log for recording all workplace violence incidents and records of all investigators; the log must include the date, time and location of the incident, the names of persons involved in the incident, a description of the incident and the nature and extent of injuries to health care workers.

9. States the health care employer annually evaluate the implementation and effectiveness of the workplace violence prevention plan, including a review of the violent incident log and comply with any training, the annual evaluation must be in writing.

10. Requires the health care employers adopt a policy that prohibits any person, including a health care employer, from discriminating or retaliating against any health care worker for either of the following:

    a) Reporting or seeking assistance or intervention from the employer, law enforcement, local emergency services or a government agency or participating in an incident investigation; or

    b) Acting in self-defense or self-defense of others in response to a workplace violence incident, threat or concern. (Sec. 2)

11. Defines *health care employer* and *health care worker*. (Sec. 2)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DPA 10-0-0-0

HB 2708: wrongful arrest; record clearance
Sponsor: Representative Chávez, LD 29
Caucus & COW

Overview

Outlines procedures for overturning wrongful convictions, indictments and arrests.

History

Any person who is wrongfully arrested, indicted or otherwise charged for a crime, may petition the superior court for entry on all court, police and other records that the person has been cleared. After a hearing on the petition, if the judge believes that justice will be served by such entry, the judge must issue the order requiring the entry that the person's record has been cleared and a copy of the order must be delivered to all law enforcement agencies and courts. The order requires all law enforcement agencies and courts not to release copies or provide access to such records except on order of the court. Any person who has notice of the order and fails to comply will be liable to the person for damages (A.R.S. § 13-4051).

Provisions

1. Asserts if a law enforcement officer, party in a criminal case, or a court finds grounds to believe a person might have been wrongfully arrested, indicted or otherwise charged for a crime, the person must be notified of the right to file a petition. (Sec. 1)
2. Prohibits the clerk of the court from imposing a fee for filing a petition. (Sec. 1)
3. Adds that the petition filed with the superior court must identify the records the petitioner is requesting be included in the order. (Sec. 1)
4. States after a hearing on the petition, the court must issue an order requiring an entry on the records with an explanation of the findings.
5. Requires a copy of the order be transmitted to all applicable law enforcement, prosecuting, courts and other agencies. (Sec. 1)
6. Contains technical and conforming changes. (Sec. 1)

Amendment

1. Removes the requirement from the courts to notify a person who may have been wrongfully arrested or charged with a crime.
2. States if a law enforcement officer or a party in a criminal case determines a person has been wrongfully arrested or charged with a crime, the law enforcement officer or party in a criminal case must notify the person who was arrested or charged of the right to file a petition in the superior court in the county where the arrest occurred.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session
JUD DPA 6-4-0-0-0-0

HB 2735: guilty except insane; court jurisdiction
Sponsor: Representative Barto, LD 15
Committee on Judiciary

Overview

Grants the Superior Court exclusive supervisory jurisdiction over all persons who are under the supervision of the Psychiatric Security Review Board (PSRB) and transfers powers and duties of PSRB to the Superior Court.

History

The Superior Court (Court) has original concurrent jurisdiction as conferred by the Constitution, rule or statute and concurrent jurisdiction with Justices of the Peace for misdemeanors where the penalty does not exceed a fine of $2500 or imprisonment for six months. The court, and judges have all powers and may issue all writs necessary to the complete exercise of its jurisdiction. (A.R.S. §§ 12-122 and 12-123)

The PSRB was established in 1994 to maintain jurisdiction over persons the Superior Court of Arizona has found guilty except insane (GEI) who have caused or threatened to cause death or serious physical injury to another individual. Current law requires GEI individuals to be placed under the PSRB's jurisdiction for the length of their presumptive sentence and to be committed to the Arizona State Hospital (ASH), which is operated by the Arizona Department of Health Services (DHS). Statute authorizes the PSRB to release any GEI person under its jurisdiction from ASH to the community if the person meets statutory release criteria (A.R.S. § 13-502).

In December 2018, the Arizona Auditor General issued a Performance Audit and Sunset Review, Report 18-107, on PSRB. According to the report, the PSRB had 120 GEI persons under its jurisdiction, with 100 residing in ASH, 19 residing in the community, and 1 transferred to the Arizona Department of Corrections (ADC). PSRB is scheduled to sunset on July 1, 2020 (A.R.S. § 41-3020.11)

Provisions

1. Clarifies that the public defender on order of the court must defend, advise and counsel all mental health hearings regarding release recommendations held before the Court pursuant to requirements outlined in statute. (Sec. 1)
2. States unless a public employee intended to cause injury or was grossly negligent, the employee is not liable for a release under the supervisory jurisdiction of the court. (Sec.2)
3. Clarifies that if the defendant had not been found insane the judge must suspend the sentence and must order the defendant to be placed and remain under the supervisory jurisdiction of the Court. (Sec. 3)
4. Transfers and renumbers A.R.S. §§ 13-3991 and 13-3992 for placement in Title 13, Chapter 41 as A.R.S. §§ 13-4519 and 13-4520. (Sec. 5)
5. Defines terms. (Sec. 6)

Commitment hearing in superior court; jurisdiction; census data collection

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

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6. States a person who is found GEI must be committed to a secure mental health facility (SMHF) for a period of treatment. (Sec. 6)
7. States if the person's act did not cause the death or serious physical injury of or the threat of death or serious physical injury to another person, the court must set a hearing within 75 days after the person's commitment to determine if the person is entitled to release from confinement or if the person meets the standards for civil commitment. (Sec. 6)
8. Requires the Court to notify the parties of the date of the hearing. (Sec. 6)
9. Stipulates that 14 days before the hearing, the medical director of the SMHF must submit a mental health report (MHR) to the court and the remaining parties addressing whether the person meets the standard for and should be subject to involuntary hospitalization. (Sec. 6)
10. States that a hearing held, pursuant to the above-mentioned provisions must do the following:

    a) If the person proves by clear and convincing evidence that the person no longer has a mental disorder or the person still has a mental disorder and is not dangerous, the Court must order the person's release and the person's commitment ordered must terminate; and

    b) If the Court finds that the person still has a mental disorder any may present a threat of danger to self or others, has a grave, persistent or acute disability or has a propensity to re-offend, it must order the county attorney to institute civil commitment proceedings and the person's commitment ordered must terminate. (Sec. 6)

11. States if the court finds that the person's act caused the death of or serious physical injury to or the threat of death or serious physical injury to another person, the Court must retain supervisory jurisdiction over the person for the entirety of the commitment term. (Sec. 6)
12. Requires the Court to state the beginning date, length and ending date of the commitment term and the Court's supervisory jurisdiction over the person. (Sec. 6)
13. States the length of the Court's supervisory jurisdiction over the person is equal to the sentence the person could have received or the presumptive sentence the person could have received. (Sec. 6)
14. Stipulates that in making the determination, the Court may not consider the sentence enhancements for prior convictions. (Sec. 6)
15. States that if a person is found GEI, the Department of Health Services (DHS) must assume custody of the person within 10 days after receiving the order committing the person. (Sec. 6)
16. Requires the Arizona State Hospital (ASH) to collect census data for guilty except insane treatment programs to establish maximum capacity and the allocation formula pursuant to clinical assessment requirements. (Sec. 6)
17. States if ASH reaches its maximum funded capacity for forensic programs, DHS services may defer the admission of the person found GEI for up to an additional 20 days. (Sec. 6)
18. Requires DHS to reimburse the county for the actual costs of each day the admission is deferred. (Sec. 6)
19. Stipulates if DHS is not able to admit the person found guilty except insane at the conclusion of the 20-day deferral period, DHS must notify the sentencing Court, prosecutor and defense counsel of this fact. (Sec. 6)

20. Stipulates that on receipt of this notification, the prosecutor or the person's defense counsel may request a hearing to determine the likely length of time admission will continue to be deferred and whether any other action should be taken. (Sec. 6)

21. Directs the Court to set a hearing within 10 days upon receipt of the request for hearing. (Sec. 6)

22. Requires the state and the defendant to provide the SMHF with a copy of the Court's commitment order and all documents considered by the Court or admitted into evidence, including all medical and MHR's. (Sec. 6)

Examination of defendant pleading guilty except insane; privilege inapplicability; sealed reports

23. Deletes and rewrites A.R.S. § 13-3993(a) as:

    a) On request of the court or any party, with the consent of the defendant and after a determination that a reasonable basis exists to support the GEI defense, the Court must appoint a qualified expert to evaluate the defendant and provide a written report that includes:

        i. The mental status of the defendant at the time of the alleged offense; and

        ii. The relationship of the mental disorder to the alleged offense, if the expert determines that the defendant suffered from a mental disorder at the time of the alleged offense. (Sec. 7)

24. Directs the parties to provide all available medical, mental health and criminal history records to the qualified expert within 10 days after the appointment. (Sec. 7)

25. Stipulates that on notice of the court the qualified expert may request additional records from the parties. (Sec. 7)

26. Directs the defense attorney to nominate its own qualified expert to examine the defendant to determine the defendant's mental status at the time of the alleged offense if the defendant provides a notice of a GEI defense. (Sec. 7)

27. Allows the state to call the same number of medical doctors and licensed psychologists who will testify on behalf of the defense. (Sec. 7)

28. States that after a plea of guilty or after disposition of a matter where the defendant has pled GEI, the Court must order all reports to be sealed. (Sec. 7)

29. States the Court may order that the reports be open only as follows:

    a) For use by the Court or defendant, or by the prosecutor if otherwise allowed by law, for further competency or sanity evaluations or in a hearing to determine whether the defendant is eligible for court-ordered treatment or is a sexually violent person;

    b) For statistical analysis;

    c) When the records are deemed necessary to assist in mental health treatment;

    d) For use by the probation department or the State Department of Corrections (ADC) if the defendant is in the custody of or is scheduled to be transferred into the custody of ADC to assess and supervise or monitor the defendant by that department;

e) For use by a mental health treatment provider that provides treatment to the defendant or that assesses the defendant for treatment;

f) For data gathering; or

g) For scientific study. (Sec. 7)

30. Mandates that any statement made by the defendant during an examination that is conducted or any evidence resulting from that statement is not subject to disclosure. (Sec. 7)

Persons under supervisory jurisdiction; hearing; mental health report; risk assessment; conditional release; board notices and decisions

31. Deletes and rewrites the following sections in A.R.S. § 13-3994 as:

a) A person who is placed under supervisory jurisdiction of the Court is not eligible for discharge from supervisory jurisdiction until the date set by the committing court;

b) The SMHF, outpatient treatment supervisor and person under the supervisory jurisdiction of the Court can request a hearing;

c) Unless otherwise ordered by the court, the person must attend any hearing by video teleconference from the SMHF;

d) If the Court finds that a person no longer needs ongoing treatment for a mental disorder, is not dangerous and does not have a propensity to re-offend, the Court must place the person on supervised probation for the remainder of the imposed commitment term;

e) All time spent under the Court's supervisory jurisdiction and any time spent incarcerated must be credited against any sentence imposed;

f) At the time of sentencing or placement on probation, the Court must notify the person in writing of the person's appeal rights under Rule 31, Arizona Criminal Procedure;

g) A person who is conditionally released is subject to all of the following:

i. The Court in conjunction with the SMHF and supervisors from behavioral health community providers must agree on and specify the conditions of the person's release and the SMHF must monitor the release;

ii. Before the person is conditionally released, a supervised treatment plan must be in place;

iii. The Court may implement the person's conditional release in incremental steps beginning with supervised passes into the community for increasing lengths of time, continuing through independent passes and ending with release to live in the community;

iv. Before implementing each stage of conditional release, the Court must find by clear and convincing evidence that the community will be protected, and the person will be safe under the proposed supervised treatment plan;

v. If approved by the Court, pass supervisors may include members of the inpatient or outpatient treatment team, other mental health treatment providers or other responsible persons who are willing to ensure that the person abides by the conditional release terms; and

vi. The SMHF must implement the Court's conditional release order or provide the Court and the parties with the reasons why the SMHF did not implement the order;

h) At any hearing release or conditional release, the party or treatment supervisor who is seeking a change in privileges or a change in hospitalization has the burden of proof by clear and convincing evidence;

i) Unless otherwise provided or on a showing of sufficient cause, a party must submit a request for a hearing and include the reasons for the request;

j) The Court must rule on the request within 14 days after the request if filed, if a hearing is granted the hearing must be set on the Court's calendar within 30 days;

k) When a hearing is set, the Court may order the treatment provider to submit an MHR;

l) All witnesses, reports, documents and statements to be considered at a hearing must be disclosed to the parties at least 14 days before the hearing;

m) The Court may grant a request to continue a hearing in order to comply;

n) The Court's decision is effective on oral pronouncement and a written order must be issued within seven days after the conclusion of the hearing; and

o) Any portion of the order that contains private identifying information about the patient, treatment supervisor or pass supervisor must be sealed by the Court and may not be disclosed to the public or to a victim. (Sec. 8)

Hearing on motion of the SMHF; expedited hearing; return to hospitalization

32. States that on request of the SMHF, the Court may grant a hearing to monitor a person's progress on conditional release. (Sec. 9)
33. States that on request of the person or SMHF facility, the Court may order the outpatient treatment supervisor to submit an MHR to the Court and the parties not later than 14 days before the hearing. (Sec. 9)
34. Stipulates that if sufficient cause exists, the SMHF may request an expedited hearing. (Sec. 9)
35. Permits the Court to set an expedited hearing to monitor a person's progress or mental health, if requested. (Sec. 9)
36. Requires the SMHF to include in the request for the hearing the specific reasons for the expedited hearing and include records under seal of all communications and reports that support the need for the expedited hearing. (Sec. 9)
37. Allows the Court to order an expedited MHR from the person's outpatient treatment supervisor. (Sec. 9)

38. States if a person is conditionally released to the community and the SMHF receives a reliable report that the person has violated the conditional release order or that the person's mental health has deteriorated, the Chief Medical Officer (CMO) or their designee may order the person's return to hospitalization. (Sec. 9)

39. Specifies that before ordering a person's return to hospitalization, the CMO or their designee must consult with the outpatient treatment supervisor or the supervisor's designee to determine if hospitalization is necessary to protect the safety of the public or the person. (Sec. 9)

40. States that with sufficient cause, the CMO or their designee may waive the requirement to consult with the treatment supervisor or their designee and may issue the return order immediately. (Sec. 9)

41. Stipulates that if the return order is issued before a consultation occurs, the CMO or their designee must consult with the outpatient treatment supervisor or supervisor's designee as soon as possible after the order is issued. (Sec. 11)

42. Mandates the Court be notified immediately and must set a hearing. (Sec. 9)

43. Mandates that all monthly monitoring reports regarding a person who is on conditional release must be submitted to the SMHF and the SMHF may take any appropriate action. (Sec. 9)

Hearing on request of the treatment supervisor; requirements; release terms

44. Directs the Court to grant a hearing that is requested by a treatment supervisor. (Sec. 9)

45. Directs the treatment supervisor to submit the request to the Court and the parties simultaneously and include an MHR under seal. (Sec. 9)

46. States if the treatment supervisor's recommendation includes a request for the addition of or changes to conditional release status, a proposed form of order must accompany the request for a hearing. (Sec. 9)

47. States if a treatment supervisor believes that the person has violated a conditional release term or that the person's mental health has deteriorated, the Court may grant the treatment supervisor's request for a hearing and:

    a) If the person is residing in the SMHF, the treatment supervisor may suspend the person's conditional release pending the hearing, and determination by the Court;

        i. The treatment supervisor must file a written MHR under seal, including the circumstances and the reasons for any proposed change to the Court and the parties within seven days after the request for a hearing;

    b) If the person is conditionally released to the community, the Court may order the person's return to hospitalization and set a hearing;

        i. The outpatient treatment supervisor must submit an MHR providing all of the information that was considered before granting the return order to the Court and the parties within three days after a request; and

    c) If the safety of the community or the person is not at risk, the Court may allow the person to remain in the community subject to the person's conditional release terms and the outpatient treatment supervisor must submit an MHR within seven days after the request is made. (Sec. 9)

48. Stipulates that if the person is conditionally released to the community and the treatment supervisor has sufficient cause to believe that the person's mental health has deteriorated such that immediate rehospitalization is necessary to protect the safety of the public or the person, the treatment supervisor may sign an order directing the person's return and members of the treatment team may transport the person to the SMHF to be immediately readmitted. (Sec. 9)

49. Requires the treatment supervisor to inform the Court and parties within 24 hours after the person's return. (Sec. 9)

50. Requires the Court to set a hearing and outpatient supervisor to submit a written MHR to the Court and parties within three days after the person's return, including all of the information that was considered before ordering the person's return. (Sec. 9)

Hearing on motion of a person under the supervisory jurisdiction of the court

51. Allows a person who is under the supervisory jurisdiction of the Court to request and the Court must grant a hearing not sooner than 120 days after the person is committed to the SHMF. (Sec. 9)

52. Stipulates that after the initial hearing or any subsequent hearing, a person may request, and the Court must grant a hearing not sooner than 20 months after the previous hearing. (Sec. 9)

53. Allows the Court, with sufficient cause, to grant a motion for a hearing by the person who is under supervisory jurisdiction at any time. (Sec. 9)

54. States if the person who is under supervisory jurisdiction is requesting a change in conditional release status, the request must include a proposed form of order and may be accompanied by an MHR. (Sec. 9)

55. States if the person who is under supervisory jurisdiction is conditionally released to the community and believes that rehospitalization is necessary to protect the person's safety or the safety of the public, the person may represent himself to the outpatient treatment supervisor and request that the outpatient treatment supervisor sign an order for immediate readmission to the SMHF. (Sec. 9)

56. Requires the Court to set a hearing. (Sec. 9)

57. Requires the inpatient and outpatient treatment supervisors to submit an MHR to the Court within seven days after the person is readmitted. (Sec. 9)

Return of person under supervisory jurisdiction to SMHF; procedures

58. Stipulates that a written order of the Court, CMO or their designee or the outpatient treatment supervisor is sufficient for a law enforcement officer to take a person into custody and to transport the person to a SMHF. (Sec. 9)

59. Requires a copy of the return order to be immediately provided to the parties and the Court. (Sec. 9)

60. Require the sheriff or other peace officer to execute the order and immediately notify the Court of the person's return to the SMHF. (Sec. 9)

61. States that within 24 hours after a return order is issued, the entity that ordered the return must provide to the parties all information and evidence that was considered when ordering the person's return. (Sec. 9)

62. States that within seven days after returning the person to the SMHF, the Court must hold a hearing to determine if the return was supported by sufficient cause. (Sec. 9)

63. States if the person's return was:

    a) Not supported by sufficient cause, the Court must order the person's immediate release under the previously imposed conditional release terms and may amend conditional release terms with sufficient cause;

    b) Supported by sufficient cause, the Courts may amend the conditional release terms and release the person if the Court finds by clear and convincing evidence that the safety of the community and the person is protected by the original or the amended conditional release terms; or

    c) Supported by sufficient cause and the Court determines that the person is in need of further evaluation or treatment, the Court may suspend the terms of conditional release and set another hearing within 90 days and the inpatient treatment supervisor must consult with the outpatient treatment supervisor, submit an MHR to the Court and parties containing a recommendation to either terminate, amend or reinstate the person's conditional release and include a proposed form of order by a date set by the Court. (Sec. 9)

Hearing on expiration of supervisory jurisdiction

64. Stipulates that at least 30 days before the expiration of supervisory jurisdiction over a person, the Courts must set an expiration hearing and order the treatment supervisor to provide to the Court and parties an MHR. (Sec. 9)

65. Requires the MHR to include an evaluation of whether the person may be a danger to self or others or persistently and acutely or gravely disabled and whether the person meets the criteria for involuntary hospitalization. (Sec. 9)

66. States that after an expiration hearing, the Court may allow the supervisory jurisdiction to expire without further action or may order the county attorney of the committing county to begin proceedings for court-ordered evaluation. (Sec. 9)

67. States if the Court orders an evaluation for a person who resides in the community, the order must require the person's appearance at a specified time, location and participation in the evaluation before the expiration of the supervisory jurisdiction. (Sec. 9)

68. Directs the treatment supervisor to assist the person with securing transportation to the location of the evaluation. (Sec. 9)

69. Requires the Court to order the sheriff of the committing county to transport the person at a specified time and location so that the person may participate in the evaluation before the expiration of the PSRB's jurisdiction over the person, if the Court orders an evaluation for a person who resided in an SMH. (Sec. 9)

Expert witness; opinion evidence

70. States that before any hearing, either party may retain an independent qualified expert to evaluate the person and make recommendations to the Court. (Sec. 9)

71. Requires the county of the committing court to pay all costs associated with the evaluation if the person is indigent. (Sec. 9)

72. Stipulates that if the person retains a qualified expert, the person must submit to the state's evaluation, if requested, or is precluded from presenting the person's own qualified expert opinion. (Sec. 9)
73. Requires an independent qualified expert who is retained by either party provide a written report to the remaining parties at least 14 days before a hearing, if providing testimony. (Sec. 9)
74. Specifies that if requested, the qualified expert must be available for an interview or deposition by the opposing party. (Sec. 9)
75. States that any party may request and the Court, with sufficient cause, may grant a continuance for a hearing to accommodate a reasonable request to obtain a qualified expert evaluation. (Sec. 9)
76. Mandates that a hearing that is requested may not be continued at the state's request. (Sec. 9)
77. Mandates that a hearing that is held at the expiration of the supervisory jurisdiction may not be continued. (Sec. 9)
78. Allows the Court, with sufficient cause, to order an MHE by its own appointed qualified expert. (Sec. 9)
79. Stipulates that an evaluation conducted is at the Court's expense. (Sec. 9)
80. States that an expert who is appointed by the Court must provide a written report to the parties at least 14 days before a hearing. (Sec. 9)
81. Requires the expert to be available to testify and, if requested, be interviewed or deposed by either party. (Sec. 9)

Miscellaneous

82. Transfers and renumbers A.R.S. §§ 13-3991 and 13-3992 for placement in Title 13, Chapter 41 as A.R.S. §§ 13-4519 and 13-4520. (Sec. 5)
83. Defines terms. (Sec. 6)
84. Repeals the title heading of Title 31, Chapter 4. (Sec. 11)
85. Repeals A.R.S. § 41-3020.11 relating to the PSRB termination date. (Sec. 15)
86. Stipulates that beginning from and after the effective date of this act, the Court must have exclusive supervisory jurisdiction over all persons under the supervision of the psychiatric security review board. (Sec. 17)
87. Grants the Court with all powers and duties of the PSRB as they existed before the effective date of this act to carry out the above-mentioned provisions. (Sec. 17)
88. Contains a retroactivity clause of July 1, 2020. (Sec. 18)
89. Makes technical changes. (Sec. 1, 2, 3, 4, 7, 8, 10, 12,13,14 and 16)
90. Makes conforming changes. (Sec. 7, 8 and 9)

Amendments

Committee on Judiciary

1. Amends the definition of mental health report to mean a report written by a treatment supervisor or other qualified expert.
2. States a person may attend any hearing by video conference from the secure mental health facility.

3. Requires when a hearing is set on the court calendar, the court must order the treatment provider to submit a mental health report.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DPA/SE 9-0-1-0-0

HB 2769: guardianship; supported decision-making
S/E: supported decision-making; guardianship
Sponsor: Representative Longdon, LD 24
Committee on Judiciary

Summary of the Strike-Everything Amendment to HB 2769

Overview
Creates and outlines the process for entering into a supported decision-making agreement.

History
Under the current statute, the court encourages maximum self-reliance and independence of an incapacitated person. If a person for whom a guardian is sought is clearly incapacitated, demonstrates the needs of an incapacitated person and the needs cannot be met by less restrictive means such as the use of appropriate technological assistance, then the court may appoint a general or limited guardian. If a guardian is appointed to the incapacitated person, the guardian must file an acceptance of an appointment with the appointing court. (A.R.S. § 14-5304)

Provisions
1. Adds a supported decision-making agreement to what qualifies as a *governing instrument*. (Sec. 1)

2. Defines the following terms:

   a) Adult;

   b) Interested person;

   c) Intimidation;

   d) Supported decision-making;

   e) Supported decision-making agreement; and

   f) Supporter. (Sec. 2)

3. States an adult who is not under influence or coercion of another may voluntarily enter into a supported decision-making agreement with a supporter in which the adult authorizes the supporter to do any of the following:

   a) Provide supported decision-making, including assisting the adult in understanding the options, responsibilities and consequences of the adult's life decisions, without making those decisions on behalf of the adult;

b) Assist the adult in accessing, collecting and obtaining any information that is relevant to a given life decision, including medical, psychological, financial, educational or treatment records;

c) Assist the adult in understanding the information listed above; and

d) Assist the adult in communicating the adult's decisions to appropriate persons. (Sec. 2)

4. Asserts a supporter is not a surrogate decision-maker for the adult and does not have the authority to sign legal documents on behalf of the adult or bind the adult in a legal agreement. (Sec. 2)

5. Mandates the supported decision-making agreement to explain the rights and obligations of both the adult and the supporter who are entering into the agreement. (Sec. 2)

6. Ensures if a supporter intimidates or deceives the adult to gain the supported decision-making agreement or any authority provided in the supported decision-making agreement, the supporter is subject to criminal prosecution and civil penalties. (Sec. 2)

7. States the supporter is not entitled to receive compensation as a result of the supporter's duties under a supported decision-making agreement and the supporter must act without self-interest and avoid conflicts of interest. (Sec. 2)

8. Allows an interested person to file a verified petition with the superior court to determine the validity of the supported decision-making agreement. (Sec. 2)

9. Mandates a supported-decision making agreement be signed by the adult and the supporter in the presence of two or more subscribing witnesses who are 18 years or older or a notary public. (Sec. 26)

10. Allows either party to terminate the supported decision-making agreement in writing at any time. (Sec. 2)

11. Includes an effective date of January 1, 2021. (Sec. 3)

12. Contains a technical change. (Sec. 1)

Amendments

1. Adopted the strike-everything amendment.
2. Prohibits a supporter from receiving compensation as a result of the supporter's duties under a supported-decision making agreement.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: JUD DPA 9-0-0-1

HB 2808: prisoners; release credits
Sponsor: Representative Blackman, LD 6
Caucus & COW

Overview

Establishes earned release credits for certain prisoners are worth one day or one and a half days for every six days served and requires the Director of the Department of Corrections to submit an annual report on release credit and prisoner information to the Governor, President of the Senate and Speaker of the House of Representatives.

History

A prisoner who does not achieve an eighth-grade functioning literacy level is not allowed to start the term of community supervision until the following occurs: 1) an eighth-grade functioning literacy level is achieved; 2) the prisoner is released into and enrolls in the transition program established by the Department of Corrections (Department) that helps the prisoner achieve functional literacy; or 3) the prisoner serves the full term of imprisonment imposed by the court; whichever occurs first. (A.R.S. § 41.1604.07)

The Department is required to establish a transition program that provides eligible inmates with transition services in the community for up to ninety days. (A.R.S. § 31-281)

Every prisoner who is in an earned release credit class is allowed an earned release credit. The earned release credit is three days for every seven days if the following occur: 1) the prisoner has been sentenced for possession or use of marijuana, a dangerous drug or a narcotic drug; 2) the prisoner has completed a drug treatment or self-improvement program during their imprisonment; and 3) the prisoner has not been previously convicted of a violent or aggravated felony. (A.R.S. § 41.1604.07)

The Director of the Department (Director) can forfeit all of a prisoner's earned release credits if the prisoner fails to adhere to the rules of the Department or fails to demonstrate a continual willingness to volunteer for or successfully participate in a work, educational, treatment or training program. (A.R.S. § 41.1604.07)

The Director is prohibited from ordering a prisoner to apply for health care benefits as a condition of community supervision if the prisoner is earning release credit of three days for every seven days. (A.R.S. § 41.1604.07)

If a court or a disciplinary hearing held after a review from the Attorney General's office determines that a prisoner has brought a claim without substantial justification, the prisoner will forfeit five days of their earned release credit. (A.R.S. § 41.1604.07)

The Department is required to annually report the recidivism rate of prisoners released and report information relating to prisoners at the end of each fiscal quarter. (A.R.S. § 41.1604.07)

Provisions

1. States the Director must determine if an inmate who does not have functioning eighth-grade level literacy is eligible for an inmate's term of community supervision. (Sec. 1)
2. States the Director must provide the standardized assessment testing for every inmate before the earliest date the inmate becomes eligible for release. (Sec. 1)
3. Clarifies that inmates released on an earned release credit of one day for every six days served are eligible to begin their term of community supervision once the requirements for functional literacy at an eighth-grade literacy level are achieved. (Sec. 1)
4. Establishes that an earned release credit is for one day for every six days served. (Sec. 3)
5. Applies an earned release credit of one and one-half days for every six days served if the following applies:

    a) the prisoner is not serving a sentence for a violent or aggravated felony;
    b) the prisoner has successfully completed a drug treatment or other major self-improvement program provided by the Department during the prisoner's term of imprisonment; or
    c) the prisoner has actively participated in an intergovernmental agreement or an Arizona Correctional industries work program approved by the Department for at least six months during the prisoner's term of imprisonment. (Sec. 3)
6. States that a previous conviction for a violent or aggravated felony only applies to a prisoner who committed the offense when the prisoner was at least 18 years old, or a prisoner who was under 18 years old who committed two or more violent or aggravated felonies on separate occasions and the current felony offense was committed within ten years after the prisoner completed the previous sentence as a juvenile. (Sec. 3)
7. Allows the Director to forfeit a portion of a prisoner's release credits if a prisoner fails to adhere to the rules of the Department or fails to demonstrate a continual willingness to volunteer for or successfully participate in a work, educational, treatment or training program. (Sec. 3)
8. States that a prisoner who has not demonstrated a functioning eighth-grade literacy level by failing the standardized assessment test is prohibited from beginning the prisoner's term of community supervision until the requirements for functional literacy at an eighth-grade literacy level are achieved. (Sec. 3)
9. States that the Director may order each person who is enrolled in a drug treatment or education program to pay for the cost of participation in the program to the extent of the person's financial ability. (Sec. 3)
10. Allows the Director to order a prisoner to apply for health care benefits as a condition of community supervision. (Sec. 3)
11. Specifies that a prisoner will forfeit five days of earned release credits if the prisoner brings a claim knowing that it is without substantial justification. (Sec. 3)
12. Requires the Director to adhere to rules adopted by the Director and posted on the Department's website when authorizing temporary release on inmate status of eligible inmates. (Sec. 3)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

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13. Requires the Director to prepare and submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of the report to the Secretary of State on or before December 31st of each year. (Sec. 3)

14. Requires the Director to report annually on the following by institution:

    a) The number of prisoners who receive one day for every six days or one and one-half day days for every six days served earned release credits;

    b) The number of prisoners who participate in programming;

    c) The number of prisoners who are eligible for release into the transition program;

    d) The number of prisoners who are released into the transition program; and

    e) The number of prisoners who received treatment for substance abuse. (Sec. 3)

15. Requires the Director to report on the number of earned release credits forfeited by prisoners by institution in each month of the reporting period and the reason why the earned release credit was forfeited. (Sec. 3)

16. Contains an effective date of January 1st, 2021. (Sec. 4)

17. Makes technical and conforming changes. (Sec. 1, 2, 3)

Amendments

Committee on Judiciary

1. Stipulates that a program that only teaches literacy or provides a general equivalency diploma or similar document or certificate is not a major self-improvement program.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 5-0-0-2 | GOV DPA 10-0-0-1

HB 2145: PSPRS; CORP; death benefits; suicide
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview

Includes suicide in the definition of *killed in the line of duty* relating to monthly benefit compensation and pension payments.

History

A surviving spouse or surviving dependent of a deceased law enforcement officer or firefighter killed in the line of duty is entitled to receive a monthly amount equal to the deceased member's average monthly benefit compensation. This applies as a lifetime benefit for spouses and a limited benefit for dependents. *Killed in the line of duty* means the decedent's death was the direct and proximate result of the performance of public safety duties and does not include suicide (A.R.S. § 38-846).

A surviving spouse's pension commences after the law enforcement officer's death. The payments are made until last day of the month of the surviving spouse's death. The pension is 40 percent of the deceased member's average monthly salary (A.R.S. § 38-888).

Provisions

1. Entitles a spouse of a law enforcement officer who commits suicide to receive monthly benefits and pension payments equal to the deceased law enforcement officer's average monthly benefit compensation. (Sec. 1 & 2)
2. Includes suicide in the definition of *killed in the line of duty*. (Secs. 1 & 2)
3. Contains a retroactivity clause of January 1, 2019. (Sec. 3)

Amendments

Committee on Government

1. Changes the definition of *killed in the line of duty* to state the death was the direct and proximate result of the performance of public safety duties including suicide.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 4-3-0-0

HB 2471: assessment; peace officer training equipment
Sponsor: Representative Payne, LD 21
Caucus & COW

Overview

Expands the criminal offenses and civil penalties in which the $4 penalty assessment is imposed and collected by the courts.

History

The courts levy a $4 penalty assessment on every civil penalty imposed and collected for a civil traffic violation. In addition to civil penalties, the assessment is also levied on the fines, penalties and forfeiture for criminal violations of motor vehicle statues and any local ordinances relating to the stopping, standing or operation of a vehicle (A.R.S. § 12-116.10).

The courts are required to transmit the assessments, and a remittance report of the fines, penalties and forfeitures, to their respective county or municipal treasurer. After the county or municipal treasurer collects the assessment and remittance report, the treasurer must transmit both items to the state treasurer, where the state treasurer deposits the assessment into the Peace Officer Training Equipment Fund (A.R.S. § 12-116.10).

Provisions

1. Expands, from traffic and motor vehicle statute violations to any violation, the criminal offenses and civil penalties in which the $4 penalty assessment is imposed and collected by the courts.
2. Mandates the assessment not to be waived and not subject to a surcharge.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DPA 7-0-0-0 I APPROP DPA 11-0-0-0

HB 2649: prisoners; mental health transition program
Sponsor: Representative Barto, LD 15
Caucus & COW

Overview
Establishes and appropriates monies to a Mental Health Transition pilot program (program).

History
Current law provides for a transition program established by the Arizona Department of Corrections (ADC) that provides transition services for up to ninety days for eligible inmates. ADC is required to conduct an annual study to determine the recidivism rates of inmates who receive a contracted entity's services through this program and requirements are to be followed for the annual study. A written report is to be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives as well as the Secretary of State by July 31 of each fiscal year regarding:

1) Recidivism rates of inmates who received services through the program;
2) Number of inmates who received services through the program;
3) Number of inmates who were not provided services and who were on the waiting list for the program;
4) Types of services provided; and
5) Number of participants in each type of service provided (A.R.S. § 31-281).

Provisions

1. Requires the ADC to establish a program that provides eligible inmates with transition services in the community. (Sec. 1)
2. Directs ADC to administer the program and to contract with private or nonprofit entities to provide eligible inmates with eligible inmates with mental health transition services. (Sec. 1)
3. Designates the ADC director to adopt rules to implement the program that include:
    a) Eligibility criteria for receiving a contracted entity's services;
    b) Requirements for services that are offered to an inmate; and
    c) A minimum of 90 days that each eligible inmate must receive services. (Sec. 1)
4. Appropriates $1.3 million from the state general fund in FYs 2021, 2022 and 2023 to ADC for the program. (Sec. 4)
5. Directs ADC to conduct an annual study to determine the recidivism rates of inmates who receive a contracted entity's services through this program and sets requirements for the annual study. (Sec. 1)
6. Requires a written report to be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives by July 31 of each FY and provide a copy to the Secretary of State containing the:

a) Recidivism rates of inmates who received services through the program;

b) Number of inmates who received services through the program;

c) Number of inmates who were not provided services and who were on the waiting list for the program;

d) Types of services provided; and

e) Number of participants in each type of service provided. (Sec. 1)

7. Contains a delayed repeal date of January 1, 2025. (Sec. 2)
8. Defines *recidivism*. (Sec. 1)
9. Makes technical and conforming changes. (Sec. 3)

Amendments

Committee on Public Safety

1. Requires ADC, rather than a community corrections officer, to refer an inmate to be placed in the program.
2. Eliminates the requirement that an inmate referred to the program must have violated a term of community supervision.
3. Specifies the rules adopted by the director contain a requirement that services be offered to an eligible inmate that may include the various services listed rather than a requirement that the services offered to an inmate include the various services offered.

Committee on Appropriations

1. Requires ADC, rather than a community corrections officer, to refer an inmate to be placed in the program.
2. Eliminates the requirement that an inmate referred to the program must have violated a term of community supervision.
3. Specifies the rules adopted by the director contain a requirement that services be offered to an eligible inmate that may include the various services listed rather than a requirement that the services offered to an inmate include the various services offered.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 6-1-0-0 | APPROP DP 11-0-0-0

HB 2760: appropriation; DPS; body cameras
Sponsor: Representative Shah, LD 24
Caucus & COW

Overview

Appropriates $4,830,200 and 20 FTE position from the state General Fund (GF) in FY2021 to the Department of Public Safety to purchase and deploy body cameras.

History

The Department of Public Safety (DPS) is responsible for creating and coordinating services for use by local law enforcement agencies in maintaining public safety. Currently, DPS is required to formulate plans with a view of establishing modern services for prevention of crime, apprehension of violators, training law enforcement personnel and the promotion of public safety. (A.R.S. § 41-1711).

The divisions within DPS consists of the Arizona Highway Patrol division, Narcotics Enforcement and Criminal Investigation division, Scientific Criminal Analysis division and Training and Education division (A.R.S. § 41-1712).

Provisions

1. Appropriates $4,830,200 and 20 FTE positions from the state GF in FY2021 to DPS to purchase and deploy 1,267 body cameras for department personnel and task force members and hire video management personnel and supervisors. (Sec. 1)

2. Exempts the appropriations from lapsing. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: PS DP 4-2-0-1 I APPROP DP 9-2-0-0

HB 2785: appropriations; DPS: school safety program
Sponsor: Representative Payne, LD 21
Caucus & COW

Overview

Requires the Department of Public Safety to establish a school safety program and creates the Arizona School Safety Fund.

History

The Joint Ad Hoc Committee on Statewide Emergency Communications (Committee) was established on August 29, 2019 by House Speaker Russell W. "Rusty" Bowers and Senate President Karen Fann. The Committee met 5 times to learn and gather input from various professionals in the areas of law enforcement and emergency management and came up with recommendations for future legislation.

On January 23, 2020, the Committee adopted recommendations that included a commission or the DPS director to review new technologies relating to the expansion of statewide emergency communications regarding school safety, have clear and robust privacy-protection rules that accompany the acquisition and use of any systems that connect cameras in schools to law enforcement agencies, and expanding the entire interoperability system but to not exceed $10 million.

Provisions

1. Changes the name of the Public Safety Interoperability Fund to the Arizona School Safety Fund. (Sec. 1)
2. States the monies in the Arizona School Safety Fund can only be used for school safety programs. (Sec. 1)
3. Appropriates the following from the state General Fund (GF) to the Arizona School Safety Fund:
   a) $1,500,000 in FY 2021;
   b) $3,000,000 in FY 2022; and
   c) $3,000,000 in FY 2023. (Sec. 2)
4. Appropriates $3 million from the Arizona School Safety Fund in FYs 2021, 2022 and 2023 to the Department of Public Safety to establish a school safety program that meets the following:
   a) Enables the statewide deployment of a secure, multimedia data communications systems to public safety agencies and public and private schools;
   b) Provides a communications solution environment;
   c) Is capable of being deployed to end users on existing communications assets owned by participating entities;

d) Allows each participating entity to maintain discretionary real-time control of all communications assets owned or operated by an entity;

e) Encrypts all media communications; and

f) Ensures student and staff privacy. (Sec. 3)

5. Exempts the appropriations from lapsing. (Secs. 2 and 3)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DPA 5-4-0-1

HB 2752: individual income tax; rate adjustment.
Sponsor: Representative Roberts, LD 11
Caucus & Cow

Overview

Requires the Joint Legislative Budget Committee (JLBC) to compute the individual income tax rate reduction and the Arizona Department of Revenue (DOR) to reduce the individual income tax by the computed amount in the following year.

History

Individual income taxes are levied for each taxable year on the entire taxable income of each resident of Arizona and on the entire taxable income of each nonresident that is derived from sources within Arizona. The individual income tax rate is structured gradually based on income level and currently ranges from 2.59% to 4.50%.

For each taxable year beginning January 1, 2020, DOR is required to adjust the income dollar amount for each rate bracket according to the average annual change in the metropolitan Phoenix Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics. The revised dollar amounts must be raised to the nearest whole dollar. The income dollar amounts for each rate bracket may not be revised below the amounts prescribed in the prior taxable year (A.R.S. § 43-1011).

Single or Married Filing Separately		Married Filing Jointly or Head of Household	
Taxable Income	**Tax**	**Taxable Income**	**Tax**
$0-$26,500	2.59% of taxable income	$0-$53,000	2.59% of taxable income
$26,501-$53,000	$686, plus 3.34% of the amount over $26,500	$53,001-$106,000	$1,373, plus 3.34% of the amount over $53,000
$53,001-$159,000	$1,571, plus 4.17% of the amount $53,000	$106,001-$318,00	$3,143, plus 4.17% of the amount over $106,000
$159,001 and over	$5,991, plus 4.50% of the amount over $159,000	$318,001 and over	$11,983, plus 4.50% of the amount over $318,000

Provisions

1. Requires JLBC, for each fiscal year beginning in FY 2021 for the purpose of computing the individual income tax rate reduction, to:

   a) Determine the amount of ongoing state GF revenues collected by the state;

   b) Determine the amount by which ongoing state GF revenues exceed the grown limit; and

   c) Multiply the amount of ongoing state GF revenues that exceed the grown limit by 50%.

2. Directs JLBC staff to provide an annual estimate of the growth limit and the likelihood of ongoing state GF revenues exceeding the growth limit based on the most recent available data.
3. Requires DOR, for each fiscal year beginning after June 30, 2020, to reduce the individual income tax for the next taxable year by an equal percentage such that the total amount of the rate reduction is equal to 50% of the amount determined by JLBC by which ongoing state GF revenues exceed the growth limit.
4. Specifies that if the amount determined by JLBC by which ongoing state GF revenues exceed the growth limit is equal to or less than zero, the individual income tax rate reduction must be the same as the rates for the immediately preceding taxable year.
5. Defines *growth limit*, *inflation* and *population growth*.
6. Applies to all taxable years beginning January 1, 2021.

Amendments

Committee on Ways and Means

1. Makes a technical change.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Initials SJ

Caucus & COW

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DP 6-3-1-0

HB 2771: tax credits; qualified facilities; extension
Sponsor: Representative Toma, LD 22
Caucus & Cow

Overview

Extends income tax credits for qualifying investments in qualified facilities, renewable energy and qualified research activity.

History

Statute allows for income tax credits to be taken for expanding or locating a qualified facility in Arizona. Under current law, only capital investments in a qualified facility that are made after July 1, 2012 are included in the computation on an income tax credit. A corporate and individual income tax credit may be taken for qualifying investments and employment in expanding or locating a qualified facility in Arizona in any taxable year beginning January 1, 2013 until January 1, 2023. The Arizona Commerce Authority (ACA) is tasked with establishing a process for qualifying and preapproving applicants for an income tax credit. The ACA may not preapprove applicants as qualifying for income tax credits for any taxable year after January 1, 2023. (A.R.S. §§§ 41-1512, 43-1083.03 and 43-1164.04).

A corporate income tax credit may be taken by a corporation for investment in renewable energy facilities that produce energy for self-consumption using renewable energy resources if the power will be used primarily for an international operations center. Under current law, the credit may not be claimed for any taxable year after January 1, 2026 (A.R.S. § 43-1164.05).

Finally, current law allows for a corporate income tax credit to be taken for qualified research activity until January 1, 2022 (A.R.S. 43-1168).

Provisions

1. Specifies that capital investments made in a qualified facility up to 36 months before submitting an application for preapproval are included in the computation of a tax credit. (Sec. 1)
2. Allows the ACA to preapprove applicants as qualifying for income tax credits for investments made in qualified facilities for any taxable year until January 1, 2029. (Sec. 1)
3. Extends the corporate and individual income tax credit for qualifying investment and employment in expanding or locating a qualified facility until January 1, 2029. (Sec. 3, 4)
4. Extends the corporate income tax credit for renewable energy investment and production for self-consumption until January 1, 2036. (Sec. 5)
5. Specifies that a minimum investment in renewable energy facilities must be completed within a three-year period beginning on the date the initial application is received or by January 1, 2029. (Sec. 5)
6. Extends the corporate income tax credit for qualified research activity until January 1, 2029. (Sec. 6)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

7. Redefines *international operations center* as a facility or connected facilities under the same ownership that are subject to specific investment thresholds and that self-consume renewable energy from a qualified facility. (Sec. 2)
8. Makes technical and conforming changes. (Sec. 1-6)
9. Contains a delayed repeal. (Sec. 7)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: WM DP 8-2-0-0

HB 2812: community facilities districts; viticulture
Sponsor: Representative Pierce, LD 1
Caucus and COW

Overview
Adds *viticulture* to the definition of *public infrastructure* for a community facility district.

History
Current statute defines *public infrastructure* as all improvements in this paragraph that will result in a beneficial use to land primarily within the geographical limits of the district (A.R.S § 48-701).

Provisions
1. Includes *viticulture* in the definition of *public infrastructure*. (Sec. 1)
2. Contains technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DP 9-1-1-2

HB 2143: collegiate athletics; compensation; representation
Sponsor: Representative Kern, LD 20
Caucus & Cow

Overview

Prohibits a postsecondary education institution and an organization with authority over intercollegiate athletics from preventing a student athlete from earning compensation as a result of the use of the student athlete's name, image or likeness.

History

Under current law, an agency contract that is signed by both the student athlete and the athlete agent must include the following: 1) the amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent; 2) the name of any person who will be compensated because the student athlete signed the agency contract; 3) a description of the services to be provided to the student athlete; 4) a description of the services to be provided to the student athlete; 5) the duration of the contract; and 6) the date of the execution of the contract (A.R.S. § 15-1770).

Within 72 hours of entering into an agency contract or before the next athletic event in which a student athlete may participate, whichever comes first, the student athlete and the athlete agent are required to notify the athletic director of the educational institution at which the student athlete is enrolled (A.R.S. § 15-1771).

A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent within 14 days of the contract being signed (A.R.S. § 15-1772).

An athlete agent intending to induce a student athlete to enter into an agency contract is prohibited from engaging in the following conduct: 1) giving any materially false or misleading information or making a materially false promise or representation; 2) furnishing anything of value to a student athlete before the student athlete enters into the agency contract; and 3) furnishing anything of value to any individual other than the student athlete or another athlete agent (A.R.S. § 15-1774).

Provisions

1. Prevents a postsecondary education institution from upholding any rule, requirement, standard or other limitation that prevents a student athlete of that institution from earning compensation as a result of the use of the student athlete's name, image or likeness. (Sec. 1)
2. Specifies that earning compensation from the use of a student athlete's name, image or likeness does not affect the student athlete's scholarship eligibility. (Sec. 1)
3. States that an athletic association, athletic conference or other organization with authority over intercollegiate athletics may not prevent:

    a) A student athlete of a postsecondary education institution from earing compensation as a result of the use of the use of the student athlete's name, image or likeness; or

b) A postsecondary education institution from participating in intercollegiate athletics as a result of a student athlete being compensated for the use of the student athlete's name, image or likeness. (Sec. 1)

4. Prohibits a postsecondary education institution, athletic association, athletic conference or other organization with authority over intercollegiate athletics from:

   a) Providing a prospective student athlete with compensation for use of the student athlete's name, image or likeness; and

   b) Preventing a student athlete in Arizona from obtaining professional representation by an athlete agent or legal representation in relation to contracts or legal matters. (Sec. 1)

5. Specifies that professional representation obtained by student athletes are to be provided by persons who are licensed in Arizona. (Sec. 1)

6. Requires an athlete agent representing a student athlete to comply with federal and state law regarding athlete agent responsibilities. (Sec. 1)

7. States that a scholarship from a postsecondary education institution in which a student athlete is enrolled that provides the student athlete with the cost of attendance is not compensation and a scholarship may not be revoked as a result of the student athlete earning compensation or obtaining representation. (Sec. 1)

8. Prevents a student athlete from entering into a contract that provides compensation to the student athlete if a provision of the contract conflicts with a provision of the student athlete's team contract. (Sec. 1)

9. Requires a student athlete who enters into a contract for compensation to disclose the contract to an official of the postsecondary education institution at which the student athlete is enrolled. (Sec. 1)

10. Mandates a postsecondary education institution to disclose to the student athlete or the student athlete's representative the relevant contractual provisions, if any, that are in conflict. (Sec. 1)

11. States that a team contract entered into after September 1, 2021 may not prevent a student athlete from using the student athlete's name, image or likeness for a commercial purpose when the athlete is not engaged in team activities. (Sec. 1)

12. Prohibits a public or private university of another state from offering a student in Arizona an athletics contract or conduct in-person recruiting without first discussing to the student athlete in writing all prohibitions of the university's or college's home state regarding the use of the student athlete's name, image or likeness. (Sec. 1)

13. Defines a postsecondary education institution to include a university located in Arizona, a community college and private college or university. (Sec. 1)

14. Contains a delayed effective date of August 31, 2021. (Sec. 2)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DPA 7-4-0-2

HB 2238: universities; public policy events
Sponsor: Representative Kern, LD 20
Caucus & Cow

Overview

Requires the Arizona Board of Regents (ABOR) to establish, fund and staff an Office of Public Policy Events (Office) at each in-state university.

History

The Arizona Constitution establishes ABOR as the governing board of Arizona's university system, which includes Arizona State University, the University of Arizona and Northern Arizona University (Ariz. Const. art. 11 § 5). Statute provides and defines the general powers and duties of ABOR, including appointing presidents, fixing tuition, establishing curricula and prescribing qualifications for admission of all students to the universities (A.R.S. § 15-1626).

Provisions

1. Requires ABOR to establish, fund and staff the Office at each in-state university. (Sec. 1)
2. Mandates that each Office:

   a) Organize, publicize and stage events that address, from multiple, divergent and opposing perspectives, an extensive range of public policy issues that are widely discussed and debated in society at large;

   b) Invite speakers to participate in events;

   c) Provide honoraria and travel and lodging expenses, if necessary, to persons from outside the university participating in events;

   d) Maintain a permanent, publicly accessible, searchable and current calendar that lists all events of the Office events and specifies what the calendar must include;

   e) Post the calendar online and prepare a printed copy for any member of the public on request and retain all calendars from previous years for public review;

   f) Transmit annually, beginning September 1, 2021, a printed and electronic copy of the calendar for the previous academic year to the Governor, President of the Senate, Speaker of the House of Representatives and the Secretary of the State;

   g) Make publicly available online a complete video record of every event; and

   h) Open each event to all students, faculty and staff of the university and to the general public, unless otherwise restricted. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

3. Allows ABOR to assign the duties of the Office to an existing administrative office at a university provided that ABOR designates an administrator in the office as the Director of Public Policy events for the university. (Sec. 1)
4. Requires the Office to report directly to either the university office that is responsible for reporting and analytics or to the university's general counsel.
5. Defines *debate* and *group forum.* (Sec. 1)

Amendments

Committee on Education

1. Transfers the requirement to establish, fund and staff an Office from ABOR to each in-state university.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DPA 11-1-0-1 | APPROP DPA 10-1-0-0

HB 2679: SFB; department of administration
Sponsor: Representative Udall, LD 25
Caucus & COW

Overview

Eliminates the School Facilities Board (SFB) and transfers its authority, powers, duties and responsibilities to the Arizona Department of Administration (ADOA) and the School Facilities Board (Oversight Board) established within ADOA.

History

SFB is tasked with making assessments of school facilities and equipment deficiencies and approving the distribution of monies from the Building Renewal Grant (BRG) Fund, Emergency Deficiencies Correction (EDC) Fund and New School Facilities (NSF) Fund. Its powers and duties include:

1) Maintaining a database of school facilities to administer the BRG Fund and the new school facilities formula;
2) Inspecting school buildings at least once every five years to ensure compliance with the building adequacy standards;
3) Reviewing and approving student population projections submitted by school districts;
4) Certifying that plans for new school facilities meet building adequacy standards;
5) Developing prototypical elementary and high school designs;
6) Developing relevant application forms, reporting forms and procedures, including establishing a project eligibility assessment for all projects submitted for BRG funding or EDC funding;
7) Submitting multiple reports regarding its activities and disbursements;
8) Adopting minimum school facility adequacy guidelines; and
9) Validating proposed adjacent ways projects (A.R.S. § 15-2002).

SFB is composed of nine voting members who are appointed by the Governor and meet requirements established by statute. The Superintendent of Public Instruction serves as an advisory nonvoting member (A.R.S. § 15-2001).

ADOA provides centralized general support services to state agencies, including accounting, financial, purchasing, building and grounds maintenance, personnel, information technology, motor pool, travel reduction and risk management services. Within ADOA is the State Procurement Office, which serves as the state's central procurement authority and is responsible for the authorization, oversight and management of the contracting and purchasing activities of the state.

Provisions

Oversight Board

1. Eliminates SFB and establishes the Oversight Board within ADOA. (Sec. 26, 27)
2. States that the Oversight Board within ADOA succeeds to the authority, powers, duties and responsibilities of SFB. (Sec. 75)
3. Specifies that this act does not alter the effect of any actions that were taken or impair the valid obligations of SFB in existence before the effective date of this act. (Sec. 75)

4. Clarifies that administrative rules and orders that were adopted by SFB continue in effect until superseded by administrative actions by the Oversight Board. (Sec. 75)
5. Transfers and renumbers Title 15, Chapter 16, A.R.S., relating to school capital finance, for placement in Title 41, A.R.S., relating to state government, as a new Chapter 56. (Sec. 16)
6. Amends the article heading of Title 41, Chapter 56, Article 1, as transferred and renumbered, from "SCHOOL FACILITIES BOARD" to "SCHOOL FACILITIES OVERSIGHT BOARD". (Sec. 26)
7. Authorizes the Oversight Board with the same powers and duties as SFB and adds that these powers and duties include:
    a) Allowing ADOA to administer the BRG Fund; and
    b) Adopting rules regarding the validation of adjacent ways projects. (Sec. 28)
8. Outlines membership of the Oversight Board as follows:
    a) Upon appointment by the Governor and confirmation by the Senate:
        i. One member who represents a statewide organization of taxpayers;
        ii. Two members from private industry with knowledge and experience in school construction;
        iii. One member who is a registered professional architect and who has current knowledge and experience in school architecture;
        iv. One member with knowledge and experience in school facilities management in a public school system;
        v. One member who is a registered professional engineer;
        vi. One member who is an owner or officer of a private construction company whose business does not include school construction;
    b) The Superintendent of Public Instruction (SPI) or their designee; and
    c) The Director of ADOA or their designee (Sec. 27)
9. Specifies that the SPI or SPI's designee and the Director of ADOA or the Director's designee serve as advisory nonvoting members. (Sec. 27)
10. Designates the Director of ADOA or the Director's designee as chairperson of the Oversight Board. (Sec. 27)
11. Allows a member of SFB to continue to serve as a member of the Oversight Board until their current term of office expires. (Sec. 74)
12. Eliminates the position of executive director. (Sec. 28)
13. Terminates the Oversight Board on July 1, 2022. (Sec. 24)

Capital Additional Assistance Fund

14. Establishes the Capital Additional Assistance Fund that is administered by the State Treasurer. (Sec. 21)

a) States that the Capital Additional Assistance Fund consists of legislative appropriations.

b) Provides that Capital Additional Assistance Fund monies are continuously appropriated and are exempt from lapsing. (Sec. 21)

15. Directs the State Treasurer to invest and divest Capital Additional Assistance Fund monies and to credit monies earned from investment to the Capital Additional Assistance Fund. (Sec. 21)
16. Requires the State Treasurer to allocate monies in the Capital Additional Assistance Fund to school districts on a pro rata basis using weighted student count for the school district for the prior fiscal year. (Sec. 21)
17. Specifies that the weighted student count for a school district that serves as the district of attendance for nonresident students must be increased to include nonresident students who attend school in the school district. (Sec. 21)
18. Mandates each school district establish a local-level Capital Additional Assistance Fund to receive allocations from the state-level Capital Additional Assistance Fund. (Sec. 21)
19. Directs the Auditor General to modify the budget format, financial record requirements, accounting forms and financial report forms in accordance with the establishment of district-level Capital Additional Assistance Funds. (Sec. 21)
20. Requires the Auditor General to provide support and guidance to assist school districts in complying with the reporting requirements of district-level Capital Additional Assistance Funds. (Sec. 21)
21. Instructs the State Treasurer and the Joint Legislative Budget Committee to review the documents developed by the Auditor General. (Sec. 21)
22. Requires a school district to submit a request to the State Treasurer to receive capital additional assistance and requires the State Treasurer to automatically transmit the requested amount to the school district. (Sec. 21)
23. Prohibits the State Treasurer from transmitting more than the amount of a district's capital additional assistance allocation. (Sec. 21)
24. Allows a school district to use capital additional assistance monies on projects for buildings or any part of a building in the Oversight Board's database for:

    a) Major renovations or repairs to a building that is used for student instruction or other academic purposes;

    b) Upgrading systems and areas that will maintain or extend the useful life of a building;

    c) Infrastructure costs; and

    d) Project or construction assessments, or both.

25. Prohibits a school district from using capital additional assistance monies for:

    a) New construction;

    b) Remodeling interior space for aesthetic or preferential reasons;

    c) Exterior beautification;

d) Demolition;

e) Routine preventative maintenance; or

f) Any project in a building, or part of a building, that is being leased to another entity. (Sec. 21)

26. Requires a school district that receives capital additional assistance monies to account for all expenditures of these monies on a form prescribed by the State Treasurer.

    a) Instructs a school district to submit the form to the State Treasurer in a manner prescribed by the State Treasurer. (Sec. 21)

27. Directs the State Treasurer to compile a monthly report that details all expenditures of capital additional assistance monies.

    a) Requires the State Treasurer to submit the report to the Oversight Board. (Sec. 21)

28. Specifies that accommodation schools are not eligible for capital additional assistance monies. (Sec. 21)

BRG, NSF and EDC Funds

29. Requires ADOA to administer the BRG Fund. (Sec. 35)

30. Instructs ADOA to distribute monies from the BRG Fund based on grant requests from school districts to fund primary building renewal projects. (Sec. 35)

31. Prohibits ADOA from distributing monies from the BRG Fund unless the projected cost of the project request exceeds 50% of the school district's allocation from the Capital Additional Assistance Fund. (Sec. 35)

32. Directs ADOA to:

    a) Implement policies and procedures to require a school district to report the preventative maintenance activities completed during the previous twelve months for the facility for which BRG monies are being requested; and

    b) Submit a monthly report to the Oversight Board that details how monies from the BRG Fund have been distributed. (Sec. 35)

33. Requires the Oversight Board to establish a project eligibility assessment for all projects submitted for BRG funding or EDC funding and to adopt rules regarding the approval of building renewal grants. (Sec. 35)

34. Directs the Oversight Board to administer the EDC and NSF Funds. (Sec. 34, 36)

Adjacent Ways Projects

35. Requires ADOA to:

    a) Validate proposed adjacent ways projects submitted by school districts pursuant to rules adopted by the Oversight Board; and

    b) Submit a monthly report to the Oversight Board that details each adjacent ways project that was validated. (Sec. 12, 22)

Appropriations

36. Appropriates $40,000,000 from the state General Fund (GF) in FY 2021 to the Capital Additional Assistance Fund. (Sec. 76)

37. Appropriates $60,000,000 from the state GF in FY 2021 to the BRG Fund. (Sec. 76)

Miscellaneous

38. Makes a conforming change, subject to Proposition 105 requirements. (Sec. 77)

39. Makes technical and conforming changes. (Sec. 1-75)

Amendments

Committee on Education

1. Directs the Oversight Board to adopt rules for time frames for ADOA regarding the following for the BRG Fund:
   a) Responding to an email or telephone call;
   b) Approving or denying grant requests for critical projects;

   c) Notifying an applicant if the applicant's application is incomplete;
   d) Providing regular updates to applicants regarding complete applications; and
   e) Distributing monies from the BRG Fund.
2. Allows a school district to submit an application to the Oversight Board for monies from the NSF Fund for a school building that has been condemned.
3. Stipulates that any project that a school district undertakes and that is authorized by SFB is subject to the procurement rules adopted by the State Board of Education (SBE) and specifies that SFB may not adopt any procurement policy or procedure that alters, supplements or subtracts from SBE's procurement rules.
4. Directs the Oversight Board to establish a subcommittee to adopt minimum school facility safety standards.
   a) Requires school districts that receive BRG Fund or NSF Fund monies to consider the minimum school facility safety standards when completing approved projects or constructing new school facilities with monies received from the Funds.
5. Specifies that ADOA administers the EDC Fund and NSF Fund at the direction of the Oversight Board.
6. Stipulates that a building renewal grant expires 12 months after the grant request is approved unless ADOA issues an extension.
   a) Allows ADOA to extend the expiration date of a building renewal grant if ADOA approves a project and determines that similar projects take longer than 12 months to complete.
   b) Requires a school district to return any unspent BRG Fund monies to ADOA for deposit in to the BRG Fund.
7. Makes technical and conforming changes.

Committee on Appropriations

1. Directs the Oversight Board to adopt rules for time frames for ADOA regarding the following for the BRG Fund:
   a) Responding to an email or telephone call;
   b) Approving or denying grant requests for critical projects;

c) Notifying an applicant if the applicant's application is incomplete;
d) Providing regular updates to applicants regarding complete applications; and
e) Distributing monies from the BRG Fund.

2. Allows a school district to submit an application to the Oversight Board for monies from the NSF Fund for a school building that has been condemned.

3. Stipulates that any project that a school district undertakes and that is authorized by SFB is subject to the procurement rules adopted by the State Board of Education (SBE) and specifies that SFB may not adopt any procurement policy or procedure that alters, supplements or subtracts from SBE's procurement rules.

4. Directs the Oversight Board to establish a subcommittee to adopt minimum school facility safety standards.
   a) Requires school districts that receive BRG Fund or NSF Fund monies to consider the minimum school facility safety standards when completing approved projects or constructing new school facilities with monies received from the Funds.

5. Specifies that ADOA administers the EDC Fund and NSF Fund at the direction of the Oversight Board.

6. Stipulates that a building renewal grant expires 12 months after the grant request is approved unless ADOA issues an extension.
   a) Allows ADOA to extend the expiration date of a building renewal grant if ADOA approves a project and determines that similar projects take longer than 12 months to complete.
   b) Requires a school district to return any unspent BRG Fund monies to ADOA for deposit in to the BRG Fund.

7. Makes technical and conforming changes.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DPA 12-0-0-1 | APPROP DPA 10-0-1-0

HB 2741: CTEDs; fourth-year funding
Sponsor: Representative Udall, LD 25
Caucus & COW

Overview

Allows a career technical education district (CTED) to include students in grades 9-12 and students in the school year immediately after graduation that meet specified criteria in the calculation of student count or average daily membership (ADM).

History

For the purposes of funding, a CTED may levy a maximum of .05 cents per $100 of secondary net assessed property valuation to generate a local contribution, with the remainder of formula monies coming in the form of basic state aid. A CTED's student count may not include:

1) A student in K-9;
2) A student in grades 8 and 9 may only be funded with monies generated by the CTED's tax levy;
3) A student in the year after graduation or received a general equivalency diploma;
4) A student over 21; or
5) A student enrolled in an internship course as part of a CTED (A.R.S. § 15-393(4)(A)(B)(C)(D)).

The calculation of a CTED's average daily membership (ADM) differs as follows:

1) A student who is enrolled at a school district or charter school and a CTED course or program on a satellite campus generates 1.25 ADM;
2) A student who is enrolled at a school district or charter school and a CTED course or program at a centralized campus generates 1.75 ADM; and
3) A student who is enrolled at a school district or charter school and a CTED course or program at a leased centralized campus generates 1.75 ADM.

A school district or charter school and CTED must determine the apportionment of ADM for students. However, the apportioned amount may not exceed 1.0 ADM for either entity (A.R.S. § 15-393(N)(O)(Q)).

The Office of Economic Opportunity (OEO) serves as Arizona's workforce planning coordinator, collects and refines employment surveys, provides economic and demographic research and analyses, provides staffing and support to the Workforce Arizona Council and evaluates regulatory and taxation costs at the state and local level.

Provisions

Fourth-Year Funding

1. Allows a CTED or a school district or charter school that is part of a CTED to include students in grades 9 and in the school year immediately following graduation in the calculation of student count or ADM. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

2. Limits funding to no more than four years for the same student. (Sec. 1)
3. Authorizes a student enrolled in a CTED course meeting for at least 150 minutes per class period at a centralized or a leased centralized campus to generate 0.75 ADM if the student:
    a) Attends grades 9; or
    b) Is in the school year immediately following graduation. (Sec. 1)
4. States that students in an approved CTED centralized campus program or a CTED district leased campus centralized program may generate an ADM of up to 1.0 during any day of the week and at any time between July 1 and June 30 of each fiscal year. (Sec. 1)
5. Allows funding for a grade 9 student only if the student:
    a) Reaches the 40th day of grade 10; and
    b) Is enrolled in a program that was included on the in-demand regional education list for that student's region for the year in which the student began the program. (Sec. 1)
6. Allows funding for a student in the school year immediately following graduation only if the student is enrolled in a program that was included on the in-demand regional education list for the student's region for the year in which the student began the program. (Sec. 1)

In-Demand Regional Education List (List)

7. Requires OEO, in collaboration with the Arizona Department of Education and by September 1 annually, to compile a List of the approved CTED programs that lead directly to a career path in high demand with median-to-high wage jobs in that region. (Sec. 1)
8. Direct OEO to incorporate industry feedback when developing the List. (sec. 1)
9. Directs OEO to submit the List to the State Board of Education for review and approval. (Sec. 1)

Internship Funding

10. Allows a student who is enrolled in any internship course as a part of a CTED program to be included in the student count of the CTED for that internship (Sec. 1).

Amendments

Committee on Education

1. Requires the List to be submitted to the Arizona Career and Technical Education Quality Commission for approval rather than SBE.
2. Allows funding for a student in the year following graduation in FYs 2021, 2022, 2023 and 2024 if the student is participating in an approved CTED program included on the List.

Committee on Appropriations

1. Requires the List to be submitted to the Arizona Career and Technical Education Quality Commission for approval rather than SBE.
2. Allows funding for a student in the year following graduation in FYs 2021, 2022, 2023 and 2024 if the student is participating in an approved CTED program included on the List.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DPA 9-2-1-1 | APPROP DPA 9-2-0-0

HB 2762: project rocket pilot program; appropriations
Sponsor: Representative Udall, LD 25
Caucus & COW

Overview

Establishes the Project Rocket Pilot Program (Program) and the Project Rocket Fund (Fund).

History

The Arizona Department of Education (ADE), subject to final adoption by the State Board of Education (SBE), is required to develop an annual achievement profile for every public school based on an A through F grade system. The annual achievement profile must include, at a minimum, the following indicators:

1) Multiple measures of academic performance or other academically relevant indicators of school quality;
2) Academic progress on the statewide assessment in English language arts and math;
3) Academic progress on English language learner assessments;
4) Progress toward college and career readiness for schools that offer instruction in grades 9-12;
5) Multiple measures of educational performance, such as graduation and attendance rates (A.R.S. § 15-241).

Provisions

Project Rocket Pilot Program and Project Rocket Fund

1. Establishes the Program and Fund to improve academic outcomes for all students in eligible schools. (Sec. 1)
2. Specifies schools that receive funding must prioritize resources to implement evidence-based, proven strategies to increase academic gain and graduation rates for students who are struggling academically due to socioeconomic factors. (Sec. 1)
3. States that the Fund consists of legislative appropriations, gifts, grants, donations and any other monies transferred to the Fund and that ADE may accept and spend federal monies and private grants, gifts contributions and devises. (Sec. 1)
4. Requires ADE to administer the Fund at the direction of SBE. (Sec. 1)

Project Rocket Fund Distributions

5. Directs ADE to distribute monies from the Fund to school districts and charter schools in FYs 2021, 2022 and 2023 as follows:

   a) $150 per student for schools that received a letter grade of C and that have least 60% of students eligible for free or reduced-price lunch or an equivalent measure;

   b) $150 per student for schools that received a letter grade of D; and

   c) $150 per student for schools that received a letter grade of F. (Sec. 1)

6. Specifies that any monies a school district or charter holder receives from the Fund must be separately accounted for in its annual financial report. (Sec. 1)
7. Requires, by July 1, 2020, an eligible school to file a notice of intent to participate with SBE. (Sec. 1)
8. Directs ADE to disburse funding to eligible schools in FY 2021 as follows:
    a) 1/4 of the annual funding on SBE's receipt of the notice of intent to participate; and
    b) The remainder of funding on SBE's approval of the school's improvement plan. (Sec. 1)

Improvement Plans

9. Requires a school district or charter holder of a school that received a letter grade of C or D to submit an improvement plan to improve student outcomes to SBE by October 1, 2020. (Sec. 1)
10. Specifies that a C or D school's improvement plan must also identify a mentor who can assist with academic achievement and that must:
    a) Be a current or former school leader with a demonstrable record of leading a successful school improvement effort; and
    b) Commit to providing regular check-ins and advice to the Project Rocket school leader (Sec. 1)
11. Allows the school district or charter holder of a C or D school to partner with an approved independent school improvement expert from the partner network list instead of identifying a mentor. (Sec. 1)
12. Requires the school district governing board or the charter school governing body of a school that received an F letter grade to establish a Project Rocket Committee (Committee) composed of:
    a) A school district governing board member or charter school governing body member;
    b) The school district superintendent or charter school chief administrative officer;
    c) The principal of the school or principal of the charter school;
    d) A teacher from the school or teacher from the charter school; and
    e) The parent of a child who attends the school or the parent of a child who attends the charter school. (Sec. 1)
13. Provides that the Committee must submit an improvement plan to SBE to improve student outcomes by October 1, 2020. (Sec. 1)
14. Requires the Committee to partner with an approved independent school improvement expert from the partner network list to implement the improvement plan. (Sec. 1)
15. Requires SBE to review all improvement plans submitted within 90 days after submission. (Sec. 1)
16. Provides that a school district must attempt to align with or expand its improvement plan with any existing improvement plan it may already have. (Sec. 1)
17. Allows SBE to adopt rules, policies and procedures, including rules to establish an appeals process for a school that does not receive approval of its improvement plan. (Sec. 1)
18. Directs SBE to review each improvement plan annually. (Sec. 1)

Independent School Improvement Experts

19. Directs SBE to identify two or more approved independent school improvement experts to be included on a partner network list by August 30, 2020. (Sec. 1)
20. Specifies a state agency or any other subsidiary of the state agency is eligible for inclusion on the partner network list. (Sec. 1)
21. Outlines the requirements an independent school improvement expert must meet to be awarded a contract by SBE. (Sec. 1)
22. Requires the independent school improvement expert to provide ongoing support to the school, including:
    a) Collecting and analyzing data on student achievement;
    b) Recommending changes to the school to improve student achievement;
    c) Monitoring the implementation of the improvement plan;
    d) Providing implementation support for the improvement plan; and
    e) Providing any other services required by SBE. (Sec. 1)
23. Allows a school to submit a request SBE to cancel the contract with an independent school improvement expert and select a different independent school improvement expert if the school is not demonstrating academic growth or is dissatisfied with the services. (Sec. 1)

Reporting

24. Requires each school that received monies to submit a report, by June 1 annually, to SBE that describes how the improvement plan has improved academic improvement. (Sec. 1)
25. Instructs SBE to compile each report and provide that information, by October 1, 2020 and October 1, 2021, to the Joint Legislative Budget Committee (JLBC), the Governor's Office of Strategic Planning and Budgeting (OSBP) and the chairpersons of the Education Committees of the House of Representatives and the Senate. (Sec. 1)
26. Directs SBE to submit a final report on the Program to the Governor, President of the Senate, Speaker of the House of Representatives, JLBC and OSPB by December 1, 2023 that includes:
    a) The schools and independent school improvement experts that participated;
    b) The academic progress of schools participating; and
    c) Any other necessary information to evaluate the effectiveness of the Program. (Sec. 1)
27. Allows SBE to request additional reports as needed to assess a school's progress. (Sec. 1)

Funding

28. Permits SBE to withhold monies if an improvement plan or report is not submitted. (Sec. 1)
29. States that the SBE must direct ADE to provide payments to schools on July 1 of each year, except in FY 2021. (Sec. 1)
30. Specifies that if the appropriated amount is not sufficient to fully pay each school, ADE must proportionately allocate the funding per student. (Sec. 1)

31. Appropriates $42,614,500 from the state General Fund (GF) in FYs 2021, 2022 and 2023 to the Fund. (Sec. 2)

32. Appropriates $1,000,000 and seven FTEs from the state GF in FYs 2021, 2022 and 2023 to SBE to administer the Program. (Sec. 3)

33. States that monies in the Fund are continuously appropriated. (Sec 1)

34. Exempts monies in the Fund from lapsing. (Sec. 1)

Miscellaneous

35. Repeals the Program and Fund on January 1, 2024. (Sec. 1)

36. Contains a retroactivity clause of July 1, 2020. (Sec. 3)

Amendments

Committee on Education

1. Adds that the improvement plans developed by schools that received a letter grade of C, D or F may include adjustments of teacher and principal salaries.
2. Allows each school operated by a school district or charter holder that did not receive a letter grade to receive $150 per student from the Fund if the school it feeds into receives Fund monies.
3. Increases the amount appropriated from the state GF in FYs 2021, 2022 and 2023 to the Fund to $44,567,968.

Committee on Appropriations

1. Adds that the improvement plans developed by schools that received a letter grade of C, D or F may include adjustments of teacher and principal salaries.
2. Allows each school operated by a school district or charter holder that did not receive a letter grade to receive $150 per student from the Fund if the school it feeds into receives Fund monies.
3. Increases the amount appropriated from the state GF in FYs 2021, 2022 and 2023 to the Fund to $44,567,968.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ED DP 7-3-1-2

HB 2790: baccalaureate degrees; community colleges
Sponsor: Representative Nutt, LD 14
Caucus & COW

Overview

Allows a community college district board to offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the U.S. Department of Education.

History

As defined by statute, a community college is an educational institution that is operated by a district board and that provides a program not exceeding two years (A.R.S. § 15-1401). A community college district may be organized for a single county or two or more contiguous counties if the proposed district has a net assessed valuation of at least $448,017,200 and a minimum population of 40,000 who are 15 years old or older (A.R.S. § 15-1402). Currently, there are 10 community college districts in Arizona.

Statute allows counties to establish a provisional community college district. These provisional districts are required to contract with an existing community college district to provide instructional and student services within the community college tuition financing district (A.R.S. § 15-1409). Provisional community college districts cannot award degrees, certificates or diplomas. Currently, Santa Cruz and Gila counties each operate a provisional community college district.

Provisions

1. Allows a community college district board to offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the U.S. Department of Education. (Sec. 2)
2. Modifies the definition of *provisional community college district* to mean provisional districts that began operations prior to January 1, 2015. (Sec. 1)
3. Makes technical changes. (Sec. 1, 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 6-4-0-0

HCR2032: initiatives; single subject; title
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview

Requires initiative measures to only cover one subject and matters relating to that subject.

History

The State Constitution gives the people of Arizona the power to propose laws and amendments to the Constitution. With the initiative power, 10% of the qualified electors have the right to propose any measure through an initiative petition. The initiative petition will be addressed to specific city, town, county or state officials. The petition includes the petitioner's name, residential address, the date of signing and a declaration stating that they are a qualified elector in the state or of the city, town or county. The correct title and text of the proposed measure must be attached to every sheet of the petitioners' signatures (AZ Const. Art. IV, Part I, § 1).

Provisions

1. States that an initiative measure must embrace only one subject and matters connected to that subject and requires the subject to be expressed in the title of the initiative measure.
2. Specifies that if a subject covered in an initiative measure is not expressed in the title, the subjects not covered in the title are considered void from the initiative measure.
3. Directs the Secretary of State to submit this proposition to the voters at the next general election.
4. Makes technical changes.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: RA DP 7-0-0-0

HB 2809: professional licensure fees; waiver; reduction
Sponsor: Representative Grantham, LD 12
Caucus & COW

Overview

Requires a regulatory board or agency (Entity) to provide fee reduction waivers to current and potential licensees and certificate holders when a review determines that the Entity's licensing fund exceeds 50% of the appropriations from that fund in the current fiscal year.

History

Licensing authority means any agency, department, board or commission of this state that issues a license under Professions and Occupations (except board of certified reporters) for the purposes of operating a business in this state to an individual who provides a service to any person (A.R.S. § 32-4701).

All state agencies that are required by law to prepare, make or publish annual reports of financial condition must publish those reports within 90 days after the close of each fiscal year (A.R.S. § 35-103).

Provisions

1. Requires an Entity to review its costs and revenues to determine whether the Entity expects the ending balances in its licensing fund to exceed 50% of the appropriations from that fund in the current fiscal year. (sec. 2)
2. Stipulates that if the Entity determines the balance to exceed 50%, the Entity must provide a onetime waiver or reduction from licensure or certification renewal fees to reduce the balance in its licensing fund to below 50%, or within the entity's normal schedule for renewing licenses or certificates if longer than one year. (Sec. 2)
3. Outlines the procedures for distributing fee waivers and reductions to initial and renewing licenses and certificates. (Sec. 2)
4. Requires Entities to report fee plans to the Governor, President of the Senate and Speaker of the House of Representatives on or before September 1 of each year. (Sec. 2)
5. Requires the report to include, at minimum:
   a) The amount of revenues and expenditures expected in the current fiscal year;
   b) The projected ending balances for the Entity's licensing fund; and
   c) The reasoning and justification for how the Entity's waiver or reduction plan will achieve required fee reductions. (Sec. 2)
6. Requires an Entity to post onetime fee reductions and waivers on the homepage of their website, and to notify existing licensees or certificate holders of the intended reductions or waivers. (Sec. 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

7. Stipulates that if an Entity believes it will require onetime monies greater than 50% of its annual appropriation for onetime capital, information technology or similar costs, the Entity can include this information in its required annual financial report. (Sec. 2)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: RA DP 4-3-0-0

HB 2817: airport fees prohibited; ride sharing
Sponsor: Representative Grantham, LD 12
Caucus & COW

Overview

Prohibits a public body from assessing any tax, fee, charge or assessment on a Transportation Network Company (TNC).

History

Laws 2015, Chapter 235 established the TNC statutes governing TNCs, TNC drivers and outlines the financial responsibilities and requirements for TNCs, livery vehicles, taxis and limousines.

A *TNC* is defined as an entity that has been issued a TNC permit, that operates in this state, and that uses a digital network or software application that connects passengers to a Transportation Network Service (TNS) provided by TNC drivers. A TNC does not include: 1) Public transportation, carpool or vanpool services; or 2) A rental car company (A.R.S. § 28-9551).

A TNS is defined as the transportation of a passenger between points chosen by the passenger and arranged with a TNC driver through the use of a TNC's digital network or software application (A.R.S. § 28-9551).

Provisions

1. Prohibits a public airport from setting additional or more restrictive requirements that include a tax, fee or assessment of any kind on a TNC for operating at a public airport. (Sec. 1)
2. Prohibits a taxing authority in this state from imposing a tax, fee, charge or assessment on a transaction in which a TNC driver is providing a TNS. (Sec. 3)
3. Prohibits a public body from assessing any tax, fee, charge or assessment on a TNC, a TNC driver or a passenger that involves picking up or dropping off passengers at a public airport. (Sec. 3)
4. Defines *public body* as this state, county, city, town or political subdivision, including any related entity that operates a public airport. (Sec. 2)
5. Contains a retroactivity clause of January 1, 2018. (Sec. 4)
6. Makes technical and conforming changes. (Sec. 1, 2)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 12-0-1-0-0-0

HB 2787: water; augmentation authority; special districts
Sponsor: Representative Shope, LD 8
Caucus & COW

Overview

Requires a county water augmentation authority (Authority) to charge a voluntary assessment on certain lands within its active management area (AMA) and allows county improvement districts to undertake water supply development.

History

Authority

The Authority coordinates with state agencies, special districts, and other governmental entities on augmenting water supplies in the Pinal AMA (A.R.S. §§ 45-1902(A) and 45-1941). It can plan, construct, operate and maintain water augmentation projects such as those that recharge, store, and recover water underground (A.R.S. § 45-1943). Additionally, it can sell, lease, exchange, hold, sever, transfer and retire water rights (A.R.S. § 45-1945). The Authority is governed by a board of directors whose members represent citizens, municipal governing bodies, irrigation and drainage districts and water companies located in the Pinal AMA (A.R.S. § 45-1921).

The Authority has several revenue sources. It can assess various service fees and sell water (A.R.S. § 45-1973). Additionally, each year, the ADWR Director must transfer to the Authority no more than $200,000 from the groundwater withdrawal fee monies collected in the AMA where the Authority is located (A.R.S. § 45-1972). Finally, the Authority can issue revenue bonds if other financing methods are not feasible (A.R.S. § 45-1991 et seq.).

County Improvement Districts

A county board of supervisors can create a county improvement district for various tasks such as building and maintaining roads (A.R.S. § 48-902). There are several types of county improvement districts, including:

1) A *domestic water improvement district* which is created to build, purchase or improve a domestic water delivery system; and
2) A *domestic wastewater improvement district*, which is formed to construct domestic wastewater treatment facilities or purchase an existing facility (A.R.S. § 48-1011).

The county board of supervisors generally serves as the board of directors for these districts (A.R.S. § 48-908). However, a domestic water improvement district can be governed by an elected board of directors (A.R.S. § 48-1012). These district are funded through a combination of secondary property tax levies, service fees, bonds and assessments (A.R.S. §§ 48-910, 48-914, 48-933 and 48-955).

Certificate of Assured Water Supply (CAWS)

Someone who wants to offer subdivided lands for sale or lease in an AMA must receive a CAWS from the Arizona Department of Water Resources (ADWR). To qualify for a CAWS, they must demonstrate that:

1) Sufficient groundwater, surface water or effluent of adequate quality will be continuously available to meet proposed water needs for at least 100 years;
2) The projected groundwater use is consistent with the management plan and achieving the management goal for the AMA; and

3) They have the financial capability to build the facilities necessary to make the water available for the proposed use (A.R.S. § 45-576(L)).

Alternatively, a subdivider can become a member of the Central Arizona Groundwater Replenishment District to demonstrate that their proposed groundwater use is consistent with the AMA's management plan and goal.

A municipality or county will not approve that subdivision plat, and the State Real Estate Commissioner will not authorize the sale or lease of the subdivided lands without a CAWS, unless the subdivider has received a water service commitment from a municipality or private water company that is designated as having an assured water supply (A.R.S. § 45-576).

Provisions

Contract Lands for the Authority

1. Specifies that real property qualifies as *contract land* if:
   a) It is in an AMA where the Authority is located; and
   b) The property owners record a declaration approved by the Authority against the property in the official records of the county where the property is located that:
      i. Describes the property;
      ii. Declares their intent for the property to qualify as a *contract land*;
      iii. Declares that each parcel of *contract land* will be subject to an assessment determined by the Authority;
      iv. Declares that qualifying as a *contract land* and subjecting real property to an assessment increases the likelihood that the property will qualify for a CAWS;
      v. Contains a covenant that binds against the real property and each *contract land* parcel to pay the Authority the assessment;
      vi. Declares that the Authority can impose a lien on *contract land* to secure payment for the assessment and any applicable fees; and
      vii. Declares that these covenants, conditions and restrictions remain with the land and bind to all successors. (Sec. 2)
2. Allows this declaration to:
   a) Contain additional covenants, conditions and restrictions; and
   b) Be an amendment or supplement to covenants, conditions and restrictions recorded against land. (Sec. 2)
3. Prohibits real property from qualifying as *contract land* unless its *water provider* enters into and records in the county's official records an agreement with the Authority that includes:
   a) The real property's legal description and tax parcel numbers; and
   b) An agreement by the *water provider* to annually submit the recordation of instrument information to the Authority by March 31. (Sec. 2)

4. Permits real property to terminate its *contract land* status if all the following apply:

    a) No lot or parcel of subdivided land within the real property has been sold or leased to a retail purchaser or lessee;

    b) The State Real Estate Commissioner has not issued a public report for real property;

    c) The planning agency with authority over the property has approved a plat vacating the lot or parcel boundaries that were previously recorded for real property if those boundaries were previously recorded for the property; and

    d) The property owners record a declaration executed by the Authority and the ADWR Director against the property in the official records of the county containing the property that:

        i. Contains a legal description of the property that is similar to the description of the real property recorded in the *contract lands* declaration;

        ii. Declares that the covenants, conditions, and restrictions recorded in the *contract lands* declaration are revoked;

        iii. The agreement between the *water provider* and the Authority has been revoked by these parties' mutual agreement and the *water provider* has recorded this revocation notice in the records of the county containing the property; and

        iv. If a CAWS was issued for the property, ADWR has revoked this certification through a written agreement entered between the agency and the certificate holder. (Sec 2)

5. Defines *annual contract assessment*, *contract land* and *water provider.* (Sec. 1).

Authority Assessments on Contract Lands (Sec. 4)

6. Requires the Authority to:

    a) Charge an annual assessment against each *contract land* parcel that is subject to an annual assessment, which must be collected in the same manner as an ad valorem tax; and

    b) Certify the assessments to the county board of supervisors where the Authority is established.

7. Directs the:

    a) County Board of Supervisors where the Authority is established to collect these assessments; and

    b) Authority's Secretary-Treasurer to deposit the assessments in the Authority's General Fund.

8. Declares that all provisions of general revenue laws for collecting taxes on real estate for county purposes apply to collecting *contract land* assessments.

Funding for the Authority (Sec. 3)

9. Directs the ADWR Director to annually transfer at least, instead of no more than, $200,000 to the Authority from the groundwater withdrawal fee monies collected in the Pinal AMA.

County Improvement Districts

10. Allows a county improvement district board of directors to:

a) acquire, create, maintain, or pledge *water assets* for municipal, industrial, commercial or domestic development; (Sec. 6)

b) undertake water supply development; and (Sec. 7)

c) enter into a financial assistance loan repayment agreement with the Water Infrastructure Finance Authority that can contain covenants and conditions relating to water supply development. (Sec. 7)

11. Defines:

    a) *water assets;* and (Sec. 5)

    b) *water supply development.* (Sec. 7 and 9)

12. Adds improvements including *water assets* and acquiring and creating any improvement to the definition of *work* and *improvement.* (Sec. 5)

13. Adds acquiring, creating, maintaining, or pledging *water assets* for municipal, industrial, commercial or domestic development to the powers and duties of a board of directors for a domestic water or wastewater improvement district. (Sec. 8)

14. Allows a domestic water or wastewater improvement district to undertake water supply development. (Sec. 9)

Miscellaneous

15. Makes technical and conforming changes. (Sec. 1, 3, 5, 8, and 9)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: NREW DP 12-0-0-1-0-0

HB 2844: G&F; transfers; gold star children
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview

Allows someone to transfer their big game permit or tag for use by a gold star child.

History

Big game animals are wild turkey, deer, elk, pronghorn, bighorn sheep, bison, peccary, bear and mountain lion (A.R.S. § 17-101(B)(1)).

A license or permit for *big game* hunting can only be used by the person for whom it was issued and is not transferrable except in certain situations. Specifically, the Arizona Game and Fish Commission can set conditions for someone to transfer their big game permit or tag to a qualified organization to be used by:

1) A minor child with a life-threatening medical condition or physical disability; or

2) A veteran of the U.S. Armed Forces who has a service-connected disability.

Additionally, a parent, grandparent or legal guardian may allow their minor child or grandchild to use their permit or tag to take *big game* (A.R.S. § 17-332).

Provisions

1. Allows someone to transfer their big game permit or tag for use by a *gold star child*.
2. Specifies that if the gold star child is under 14 years old, they must complete the Arizona hunter education course, or another comparable hunter education course approved by the Arizona Game and Fish Department Director, before the beginning of the hunt.
3. Defines *gold star child.*
4. Makes technical changes.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: LAG DP 7-0-0-0

HB 2612: appropriation; survey; desert tortoises
Sponsor: Representative Dunn, LD 13
Caucus & COW

Overview

Appropriates $300,000 from the state General Fund in FY 2021 for a state association of natural resource conservation districts (NRCDs) to conduct a survey of desert tortoises in Arizona.

History

NRCDs can conduct surveys, investigations and research on topics such as soil erosion prevention, methods of cultivation and farm and ranch practices. Additionally, they can form education centers that can, among other things, conduct or sponsor scientific studies that affect natural resources in Arizona and public scholarly materials (A.R.S. § 37-1054).

Provisions

1. Appropriates $300,000 from the state General Fund in FY 2021 to the Arizona Game and Fish Department to enter into an agreement with a state association of natural resource conservation districts to conduct a survey of desert tortoises in Arizona.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: COM DP 6-0-0-3

HB 2826: tobacco; vaping; penalties; legal age
Sponsor: Representative Osborne, LD 13
Caucus & COW

Overview

Clarifies the age of a *minor* to be consistent with federal law and establishes penalties for businesses that unlawfully furnishing tobacco and vapor products.

History

A person who knowingly sells, gives or furnishes cigars, cigarettes or cigarette papers or smoking and chewing tobacco (tobacco products), a vapor product or any instrument or paraphernalia that is solely designed for smoking or ingesting tobacco or shisha to a minor is guilty of a petty offense.

A minor who buys or possesses or knowingly accepts or receives such products or instruments is guilty of a petty offense and if applicable must pay a fine of at least $100 or serve at least 30 hours of community service.

A minor who misrepresents their age to any other person by means of a written instrument of identification with the intent to induce the other person to sell, give, or furnish such products or instruments is guilty of a petty offense and is required to pay a fine of no more than $500.

Statute defines "Shisha" as any mixture of tobacco leaf and honey, molasses or dried fruit or any other sweetener. "Vapor product" means a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States Food and Drug Administration (A.R.S. § 13-3622).

In 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act, and raising the federal minimum age of sale of tobacco products from 18 to 21 years.

Provisions

1. Replaces the term *minor* with a *person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act.* (Sec. 1)
2. Prescribes penalties and restrictions for businesses that violate laws relating to furnishing of tobacco and vapor products. (Sec. 1)
3. Specifies a business that violates an imposed restriction is subject to additional fines and increased restrictions. (Sec. 1)
4. Prohibits a court from waiving a fine if the enterprise commits a second or subsequent violation after 3 years from the first violation. (Sec. 1)
5. Requires at least one owner or manager and one person serving in a nonmanagerial position to attend a tobacco retailer educational course, if ordered by a court. (Sec.1)
6. Instructs the Department of Revenue (Department), on notice from the Attorney General's office, to suspend a person's use of the TPT class code for the retail sale of tobacco and vapor products for a

period specified by the AG if the person commits a second or subsequent violation of laws relating to furnishing of tobacco and vapor products.

   a) Stipulates the Department must notify the AG if the person reports revenue from the sale of tobacco or vapor products during the suspension period. (Sec. 2)

7. Requires the Department to separately account for revenues collected from the gross proceeds of sales of tobacco and vapor products. (Sec. 3, 4)
8. Contains a conditional enactment clause. (Sec. 5)
9. Makes technical changes. (Sec. 1, 3, 4)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 8-3-0-0

HB 2305: solid waste services; private provider
Sponsor: Representative Townsend, LD 16
Caucus & COW

Overview

Restricts a county, city or town from imposing criminal penalties on individuals refusing to purchase private solid waste collection services.

History

Each county, city or town may establish regulations for private collection of solid waste within its area of jurisdiction. Ordinances and regulations authorized by law must be equal to or more stringent than rules and regulations adopted by the county, city or town. Each county, city or town may provide criminal and civil penalties for violations of such ordinances and regulations only if the penalties do not exceed those authorized by law (A.R.S. § 49-765).

Provisions

1. Prohibits a county, city or town from imposing a criminal penalty against an individual who refuses to purchase solid waste collection services from a private service provider even if the county, city or town has a contract with that private service provider. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DPA 10-1-0-0

HB 2480: interlock restricted licenses; violations; reporting
Sponsor: Representative Kavanagh, LD 23
Caucus & COW

Overview

Allows a person whose driving privileges have been suspended due to an alcohol related offense to have the ability to apply for a special ignition interlock restricted driver license.

History

A law enforcement officer is required to give the Arizona Department of Transportation (Department) a certified report if the officer arrests a person for certain motor vehicle violations or gives a blood or breath alcohol test. The Department is required to suspend the driving privileges of the person for at least 30 days, and restrict the driving privileges for at least 60 additional days to only travel between the person's place of residence and: 1) employment during specified times while at employment; 2) school, according to the person's employment or educational schedule; 3) the office of the person's probation officer for scheduled appointments; or 4) a screening, education or treatment facility for scheduled appointments (A.R.S. § 28-1385).

A person whose license has been suspended or revoked due to an alcohol related offense may apply for a special ignition interlock restricted driver license that allows a person to operate a vehicle during the period of suspension or revocation between the person's residence and place of: 1) employment during specified times while at employment; 2) employment and school according to their employment or education schedule; 3) employment or school and the office of a health professional; 4) employment or school and a screening, education or treatment facility for scheduled appointments; 5) employment, or school and the office of the person's probation officer for scheduled appointments; and 6) place of employment or school and a certified ignition interlock device service facility. The person may also transport a dependent person who lives with the driver between the driver's residence and the dependent person's employment, school or medical appointment (A.R.S. § § 28-144, 28-1402).

Provisions

1. States that if a person's privilege to operate a vehicle has been suspended due to an alcohol-related offense and they meet statutorily prescribed requirements then the person may apply for and be granted a special ignition interlock restricted driver license by the Department that allows the person whose class D or G license has been suspended for 90 days to operate a motor vehicle equipped with a functioning certified ignition interlock device. (Sec. 1)
2. Requires the Department to consider, during a hearing, whether a person has two or more violations operating a vehicle with a restriction placed on their license. (Sec. 2)
3. Stipulates that a person whose driving privilege is limited must pay costs for monitoring their special ignition interlock restricted driver license. (Sec. 3)
4. States that the ignition interlock manufacturer or the *case management service provider* must inform the Department each time a person operates the vehicle in violation of their driving privilege restrictions. (Sec. 3)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

5. Directs the Department to extend an ignition interlock restricted or limited driver license and the certified ignition interlock device period for six months if the person operated the vehicle two or more times in violation of a restriction on their driving privileges. (Sec. 3)
6. Instructs the assistant director of the Department to ensure an ignition interlock device can wirelessly transmit the location of the device at the time a vehicle's ignition disengaged. (Sec. 4)
7. Stipulates that if an application for authorization of an ignition interlock service provider contract is denied, the applicant has 15 days to make a written request for a hearing on the denied application. (Sec. 5)
8. Mandates that either an ignition interlock manufacturer or case management service provider is required to transmit reports. (Sec. 5)
9. Requires an ignition interlock device to report the global positioning system location of the device every time a vehicle's ignition is started and disengaged. (Sec. 5)
10. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 5)

Amendments

Committee on Government

1. Defines *case management service provider*.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 6-5-0-0

HB 2615: municipalities; utilities; vacant buildings
Sponsor: Representative Griffin, LD 14
Caucus & COW

Overview

Specifies that a municipality may not adopt an ordinance requiring a property owner to provide utilities to a vacant building.

History

Statute gives the governing bodies overseeing municipalities the ability to create, amend and enforce ordinances. The governing body can prescribe a civil or criminal punishment for violating the ordinance as long as the punishments do not exceed limitations specified in law (A.R.S. § 9-240).

Provisions

1. Prohibits a municipality from adopting an ordinance that requires a property owner to provide utilities to a vacant building. (Sec. 1)
2. Defines *vacant building* as a building that has been vacant and unused for at least two years. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DPA 7-3-1-0

HB 2651: HOA; rental information; violation; penalty
Sponsor: Representative Kavanagh, LD 23
Caucus & COW

Overview

Allows a unit owner's association and a planned community association (Association) to impose monetary penalties for undisclosed rental information.

History

A *declaration* in a condominium and a planned community is defined as any instruments that establish a planned community or condominium and any amendments to those instruments (A.R.S. §§ 33-1202, 33-1802).

A member in an Association may rent their unit to a tenant. An Association must require a member or a member's agent to provide the following rental information:

1) The name and contact information of any adults occupying the unit;
2) The time period of the lease, including beginning and ending dates of the tenancy; and
3) The description and license plate numbers of tenants' vehicles.

Currently, an Association is prohibited from imposing any fee, assessment, penalty or other charge more than $15 on a unit owner or managing agent for incomplete or late information regarding the requested tenant information (A.R.S. §§ 33-1260, 33-1806.01).

Provisions

120. States that if a member or member's agent in an Association does not disclose the rental information, the tenancy is in violation of statute and the declaration. (Sec. 1, 2)

121. Permits the Association to impose a monetary penalty on the member in the full amount of the monies paid by the tenant. (Sec. 1, 2)

122. Makes technical and conforming changes. (Sec. 1, 2)

Amendments

Committee on Government

1. Requires an owner or their agent to disclose the number of minors, if any, in the unit or residence in an age restricted Association.

2. States that if an owner or their agent does not disclose the tenant information, the Association can impose a monetary penalty of $15 per day beginning with the first day after the owner or agent receives the notice of the violation.

3. Specifies that the prevailing party will be awarded attorney fees in an administrative or court action regarding the monetary penalty.

4. States that the fee an Association can request for rental information disclosures must be paid within 15 days of the first day of the lease.

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

5. Establishes that if a member or a member's agent for a short-term or vacation rental does not disclose the required rental information to the Association, the Association can impose a monetary penalty in the full amount of the monies paid by the tenant.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DPA 11-0-0-0

HB 2717: treasurer; pension prefunding; investment accounts
Sponsor: Representative Kavanagh, LD 23
Caucus & COW

Overview
Allows the State Treasurer to invest pension prefunding plan monies.

History
The State Board of Investment (Board) is established in statute and consists of the State Treasurer, the Director of the Arizona Department of Administration, the Director of the Department of Insurance and Financial Institutions and two individuals appointed by the State Treasurer. The Board is required to hold regular monthly meetings, review investments of treasury monies, serve as trustees of the permanent state land funds and serve as trustees of any endowments. The State Treasurer is required to furnish the Board with a report of the performance of current investments and must make these reports available for public inspection (A.R.S. § 35-311).

Provisions
1. Requires the Board to serve as trustees of any pension prefunding plan investment accounts. (Sec. 1)
2. Authorizes the State Treasurer to invest and reinvest pension prefunding plan monies in equity securities for pension prefunding plan investment accounts. (Sec. 2)
3. Stipulates that all pension prefunding plan monies must be accounted for separately from all other funds. (Sec. 2)
4. Prohibits any monies to be taken from one investment account for deposit in another investment account. (Sec. 2)
5. Requires all monies in pension prefunding plan investment accounts to be invested in prudent equity securities and safe interest-bearing securities. (Sec. 2)
6. Specifies that the earnings, interest, dividends and realized capital gains and losses from the investment of each investment account must be credited to that account. (Sec. 2)
7. Establishes that pension prefunding plan monies are for the purpose of prefunding the required pension contributions of an employer that provides a defined benefit pension plan to their employees. (Sec. 2)
8. States that pension prefunding plan monies are an integral part of this state and its political subdivisions and perform an essential governmental function. (Sec. 2)
9. Stipulates that the investments of pension prefunding plan monies are supposed to be structured and administered in a manner that results in the tax-exempt status of the income of the plan. (Sec. 2)
10. Allows the governing body of an employer to authorize and request that the State Treasurer invest pension prefunding plan monies into a specified account and set forth the terms of distributions. (Sec. 2)

11. Defines *defined benefit pension*, *employer* and *tax-exempt status of pension prefunding plan's income*. (Sec. 2)

12. Makes technical changes. (Sec. 1)

Amendments

Committee on Government

1. Allows the Board to adopt rules, policies and procedures as they deem necessary to ensure the income is not subject to federal income tax.

2. Makes technical and conforming changes.

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 11-0-0-0

HB 2719: rubbish; removal; penalties
Sponsor: Representative Petersen, LD 12
Caucus & COW

Overview

Outlines the restrictions on penalties for a violation of statute relating to the removal of trash from property.

History

The city or town governing body and the county board of supervisors must, by ordinance, compel an owner, lessee or occupant of property to remove any rubbish, weeds, trash or other accumulation of filth, debris or dilapidated buildings that are a hazard to public health and safety. The ordinance put forth by the city, town or county must include:

1) Written notice to the owner;
2) Provisions for appeal; and
3) The fines and penalties that shall be imposed.

Current statute allows the city, town or county ordinance to provide that if a person with interest in the property does not remove the rubbish, trash, weeds, filth, debris or dilapidated buildings, the city, town or county may remove, abate, enjoin or cause their removal (A.R.S. §§ 9-499, 11-268).

Provisions

1. Stipulates that the penalty for a violation of city, town or county ordinances related to the removal of trash may not exceed the maximum amount for a class 1 misdemeanor and may not include incarceration. (Sec. 1, 2)
2. Prohibits a city, town or county ordinance from including any period of incarceration for a violation of trash removal by a person with an interest in the property. (Sec. 1, 2)
3. Makes technical changes. (Sec. 1, 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DPA/SE 9-0-0-2

HB 2740: barbering, cosmetology, massage therapy; consolidation
S/E: barbering; cosmetology; consolidation
Sponsor: Representative Kavanagh, LD 23
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2740

Overview
Creates the Barbering and Cosmetology Board (Board).

History
Current law outlines the powers and duties of the board of barbers and the board of cosmetology. Some of their powers include adopting rules necessary to complete duties, maintain a record of their acts and proceedings and keep these records open to public inspection and provide minimum school curriculum requirements (A.R.S. §§ 32-304, 32-504).

Each board has membership requirements outlined in statute. The board of barbers consists of five members appointed by the Governor and the board of cosmetology consists of seven members appointed by the Governor (A.R.S. §§ 32-302, 32-502).

Provisions
1. Consolidates the barbering and cosmetology boards into the Board.
2. Stipulates that the annual report by the Commission for Postsecondary Education must be submitted to the Secretary of State by December 28th, rather than to the Arizona State Library, Archives and Public Records. (Sec. 1)
3. Requires the Board or a national professional organization for barbering to administer practical and written examinations for a barber or instructor license. (Sec. 9)
4. Instructs the examinations to test for skills and requisite knowledge in the technical application of barbering services. (Sec. 9)
5. Allows an applicant to take an examination before completing the required hours of course instruction prescribed by statute. (Sec. 9, 16)
6. Directs the Board or national professional organization to inform each applicant of their examination results and the Board to make an accurate record of each examination. (Sec. 9)
7. Decreases the required number of instruction hours in a licensed barbering school to 1,000 hours, rather than 1,500 hours. (Sec. 10)
8. Authorizes a barbering school to offer courses on both cosmetology and barbering if the properly licensed instructor is teaching each course. (Sec. 10)
9. Modifies the membership of the Board to the following:

a) One cosmetologist;

b) One nail technician *or aesthetician*;

c) Two school owners;

d) Three public members, preferably one who is an educator;

e) One barber; and

f) One barber shop or salon license holder. (Sec. 12)

10. Specifies that the chairman of the Board must be a school owner. (Sec. 13)
11. States that certain cosmetology statutes do not apply to:

a) Students off campus at a school-sponsored event;

b) People licensed in another state who are working in Arizona at a charitable event that benefits a nonprofit organization; and

c) People licensed in another state who are in Arizona for no more than two weeks and who provide services for people at an athletic, charitable, artistic or social event in this state. (Sec. 15)

12. Authorizes a school of any type, including a cosmetology school, to include programs related to a subject similar to cosmetology but may not include a salon. (Sec. 18)
13. Removes the requirement for a cosmetology school and another business to be separated by permanent walls. (Sec. 18)
14. Stipulates that the Board succeeds to the authority, powers, duties and responsibilities of the board of barbers January 1, 2021. (Sec. 25)
15. Clarifies that this Act does not alter the effect of actions taken or valid obligations of the board of barbers in existence before January 1, 2021. (Sec. 25)
16. Specifies that all administrative matters, contracts and judicial actions, regardless of status, of the board of barbers on January 1, 2021 are transferred to the Board and maintain the same status. (Sec. 25)
17. Maintains the validity of all certificates, licenses, registrations and permits issued by the board of barbers. (Sec. 25)
18. Transfers all equipment, records, furnishings and other property from the board of barbers to the Board January 1, 2021. (Sec. 25)
19. Allows members of the board of cosmetology to continue serving on the Board until the expiration of their term at which point the Governor will appoint all subsequent members. (Sec. 26)
20. Requires the Board to do the following:

a) Study licenses and fees issued and imposed;

b) Identify whether any licenses should be consolidated and identify what is unique to each profession;

c) Determine whether changes are needed to the fee structures for each profession; and

d) Submit a report of its findings and recommendations to the Governor, President of the Senate, Speaker of the House of Representatives and Secretary of State by November 1, 2022. (Sec. 27)

21. Authorizes the Board to use the following monies to assist in the required study and report:

    a) Up to $250,000 from the barbers fund; and

    b) Up to $500,000 from the cosmetology fund. (Sec. 27)

22. Includes the definition of *barbering* in the statutes relating to cosmetology. (Sec. 11)

23. Modifies the definition of *directly supervised* and *hairstyling*. (Sec. 11, 17)

24. Defines *laser safety officer*. (Sec. 17)

25. Makes technical and conforming changes. (Sec. 1-8, 10-14, 17-23)

26. Contains an effective date of January 1, 2021. (Sec. 28)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: GOV DP 10-0-1-0

HB 2810: Mormon migration monument; governmental mall
Sponsor: Representative Blackman, LD 6
Caucus & COW

Overview

Authorizes the Arizona Department of Administration (ADOA) to provide for the placement of a Mormon migration monument in the governmental mall.

History

Any legislative Act may authorize a monument or memorial in the governmental mall. Proponents of the monument or memorial are required to submit a proposal to ADOA for review and approval upon recommendations from the historical advisory commission. Upon approval, proponents must enter into a contract with ADOA specifying the design, dimensions, location, list of artists, contractors and subcontractors that will be employed, the minimum dollar amount required for deposit into the state monument and memorial repair fund and a verification that all employees involved in the project are insured and that the state is free of any liability regarding construction. Proponents are solely responsible for all fund-raising and administration of a fund for use for the monument or memorial (A.R.S. § 41-1363).

Provisions

1. Authorizes ADOA to provide for the placement of a Mormon migration monument in the governmental mall. (Sec. 1)
2. Specifies that procedures currently in statute apply to the placement of the monument. (Sec. 1)
3. Prohibits public monies from being used for the cost of the monument and prohibits the state from facilitating fund-raising or establishing a state fund for deposit of the monies. (Sec. 1)
4. Mandates that all fund-raising and contracts for artistic design and construction are the sole responsibility of the proponents. (Sec. 1)
5. Repeals this Act on September 30, 2023. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 6-4-0-0

HB 2343: early voting; identification required
Sponsor: Representative Fillmore, LD 16
Caucus & COW

Overview

Provides identification requirements for depositing an early ballot at an early voting location or voting center.

History

An early voter must make and sign the affidavit and then mark the ballot in a manner to which their vote cannot be seen. If it is a paper ballot, the early voter must fold the ballot and deposit in the provided envelope and along with the affidavit must deliver or mail this to the county recorder or other officer in charge of elections. The early voter or their agent may also deposit the early ballot at any polling place in the county in which the elector is registered. In order to be counted, the ballot must be received or deposited at the polling place by 7:00 p.m. on election day (A.R.S. § 16-548).

Provisions

1. Adds early voting location or voting center as locations where an early voter or their agent may deposit a voted ballot by 7:00 p.m. on election day. (Sec. 1)
2. Requires the officer in charge of elections to direct the person delivering the early ballot to do both of the following:
   a) Sign a delivery log and print the name of the person delivering the early ballot; and
   b) Provide identification, no photograph required, that matches the person delivering the ballot. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DPA 10-0-0-0

HB 2364: election law amendments Sponsor: Representative Townsend, LD 16 Committee on Elections

Overview

Makes various changes to statute relating to elections and contains an emergency clause.

History

Certain elections may be cancelled by the Board of Supervisors if only one person or no person files a nominating petition for a particular office. The cancellation of the election must occur no earlier than 75 days before the election for that office. If no person files a nominating petition, that office is deemed vacant and a person must be appointed to fill the position according to statute (A.R.S. §§ 15-424, 15-1442).

Current statute authorizes the county recorder to establish on-site early voting locations at the recorder's office that must be open and available for use beginning the same day that a county begins to send out the early ballots. Additionally, the county recorder is permitted to establish any other early voting locations in the county that the recorder deems necessary (A.R.S. § 16- 542).

Before the election board adjourns, the poll lists and voted ballots must be enclosed and sealed in a strong envelope and delivered to one of the members of the election board who shall, by himself or by an agent, deliver the packages and envelopes to the officer in charge of elections at his office without delay, and by the most expeditious means (A.R.S. § 16-615).

For a recognized political party in a precinct, if the number of people who file a nominating petition is more than the number of precinct committeeman positions, a separate ballot must be prepared for the election of precinct committeeman. Current statute outlines the requirements of how this ballot must look and what information must be included. The election board or official must provide the partisan precinct committeeman ballot to voters who are registered with that party in addition to the official ballot for the primary election (A.R.S. § 16-822).

Provisions

Cancellation of Elections

1. Modifies the deadline for cancelling an election of school district governing or community college district boards to at least 105 days before the election if only one person or no person files a nominating petition. (Sec. 1, 2)
2. Specifies that an election for education, special taxing districts or precinct committeeman that may be cancelled must be cancelled no earlier than 105 days before the election. (Sec. 7, 14)
3. Adjusts the deadline for the filing of nomination papers by a write-in candidate for an election that may be cancelled to no later than the 106th day before the election. (Sec. 6)

Early Voting

4. Requires the approval of the Board of Supervisors in advance of the start of early voting before the county recorder or other officer in charge of elections may establish other early voting locations. (Sec. 10)
5. Allows a county recorder or other officer in charge of elections to operate the established early voting locations and on-site early voting locations until 5:00 p.m. on the Monday immediately before election day. (Sec. 10)
6. Stipulates that early voting must end at early voting locations and on-site early voting locations as necessary to ensure that precinct registers and other election materials are revised for use on election day including which voters have already voted and which are on the inactive voter list. (Sec. 10)

Delivery of Returns

7. Specifies that the delivery of returns must be in a secure container. (Sec. 12)
8. Modifies where the official returns are delivered to and requires the returns be delivered without delay and by the most expeditious means and route. (Sec. 12)
9. Outlines the following requirements for the delivery of returns:
   a) For a county with a population of more than 300,000 people, at least four people must accompany the returns, not more than two of whom may be members of the same political party; or
   b) For a county with a population of 300,000 people or less, if practicable, at least four people must accompany the returns, not more than two of the same political party, and if not practicable, two people must accompany the returns who are not of the same political party. (Sec. 12)

Political Party Representation

10. Adds the requirement for the petition for representation on a ballot of a new political party to include the signatures of qualified electors in at least one-fourth of the election precincts of the county, city or town. (Sec. 13)
11. Modifies the current signature verification on petitions for new political party representation on a ballot. (Sec. 13)
12. Requires the county recorder or the city or town clerk, as applicable, to review the petitions in the manner prescribed in statute including the selection of a random sample of 20% of the total signatures. (Sec. 13)
13. Asserts that each signature in the random sample must be individually verified and certified, and a calculation and projection of the total number of valid signatures and a determination of whether the party will be recognized. (Sec. 13)

Miscellaneous

14. Eliminates the requirement for a county recorder to mail an item to any elector by *first class* mail. (Sec. 3)

15. Specifies that the reimbursement of charges incurred by the counties for the presidential preference election will be based on each active registered voter in the county on January 2 of the year of the presidential preference election. (Sec. 4)

16. Stipulates that the statement of interest requirements do not apply to candidates for elected office for career technical education districts, school districts or community college districts. (Sec. 5)
17. Removes the requirement for the testing of the automatic tabulating equipment and programs to be observed by at least two election inspectors of different political parties. (Sec. 8)
18. Deletes current language that requires paper ballots to be printed and bound so that every ballot has candidate names in a different and alternating position from the preceding ballot. (Sec. 9)
19. Directs the county recorder or other officer in charge of elections to provide for a ballot replacement center that is as near to the central location as is practicable for electors to obtain a replacement ballot. (Sec. 11)
20. Stipulates that if the number of people who file a nominating petition for a precinct committeeman position is more than the number of positions for a recognized political party, an additional ballot style must be prepared which includes the office of precinct committeeman. (Sec. 14)
21. Makes technical and conforming changes. (Sec. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14)
22. Contains an emergency clause. (Sec. 15)

Amendments

Committee on Elections

1. Specifies that the automatic tabulating equipment testing must be observed by at least one representative from each of the two largest political parties based on statewide voter registration totals.
2. Requires at least four election board workers, consisting of two members from each of the two largest political parties, to observe closing and sealing of the secure container and to sign the poll list and official ballot report for a county with a population of one million or more people.
3. Stipulates that counties with a population of less than one million people must have at least two election board workers, one member from each of the two largest political parties, that observe the closing and sealing of the secure container and sign the poll list and official ballot report.
4. Asserts that for counties with a population of one million or more people, the returns must be accompanied by at least four people, two from each of the two largest political parties, if practicable, and if not, the returns must be accompanied by at least two people, one from each of the two largest political parties.
5. Specifies that the returns must be accompanied by at least two people, one from each of the two largest political parties, if practicable, in counties with a population of less than one million people.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 9-0-0-1

HB 2776: publicity pamphlet; submittal dates
Sponsor: Representative Bolick, LD 20
Caucus & COW

Overview

Modifies the deadline for filing an argument for or against a measure or constitutional amendment.

History

A person filing an initiative petition with the Secretary of State (SOS) may also file with the SOS an argument advocating the measure or constitutional amendment proposed in the petition. An individual may file an argument with the SOS 48 days or more before the primary election advocating or opposing the measure or constitutional amendment that has been proposed in the petition. Each filed argument must contain the sworn statement of each person sponsoring it. Sixty days or more before the regular primary election, Legislative Council after allowing an opportunity for comments from all legislators, shall file with the SOS an impartial analysis on the provisions of each ballot proposal, measure or proposed amendment. The analysis and arguments must be included in the publicity pamphlet immediately following the measure or amendment they refer to (A.R.S. § 19-124).

Provisions

1. Revises the deadline for a person filing with the SOS an argument supporting or opposing any measure or proposed constitutional amendment to 27 days before the regular primary election. (Sec. 1)
2. Moves the deadline for when Legislative Council files with the SOS an impartial analysis of the provisions of each ballot proposal of a measure or constitutional amendment to no later than 30 days before the regular primary election. (Sec. 1)
3. Makes technical changes. (Sec. 1)
4. Contains an emergency clause. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☒ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: ELECT DP 6-4-0-0

HB 2805: Arizona election process study committee
Sponsor: Representative Finchem, LD 11
Caucus & COW

Overview

Creates the Arizona Election Process Study Committee (Committee).

History

A county board of supervisors (Board) must establish a convenient number of election precincts in the county and lay out the boundaries of each precinct. Before a general or primary election, the Board will designate one polling place in each precinct. With a specific resolution, the Board may authorize the use of voting centers as a replacement or in addition to designated polling places. A voting center allows any voter in the county to receive the correct ballot and lawfully cast their vote. The Board may also authorize, through a resolution, the county recorder or other officer in charge of an election to use emergency voting centers (A.R.S. § 16-411).

If specified voter information involving their registration status or other specific factors cannot be determined in a precinct, statute allows that voter the right to a provisional ballot. Within ten days of an election involving a federal office and five days for any other election, the provisional ballots will be checked as prescribed by law to see if they will be counted (A.R.S. § 16-584).

Provisions

1. Establishes the Committee and specifies that the Committee will consist of the following members:
   a) One representative of a county who is appointed by the Speaker of the House of Representatives;
   b) One county elections director appointed by the President of the Senate;
   c) One city or town elections director appointed by the Governor;
   d) Two members of the House of Representatives who are members of different political parties and are appointed by the Speaker of the House, who shall appoint one of them as the cochairperson of the Committee; and
   e) Two members of the Senate who are members of different political parties and are appointed by the President of the Senate, who shall appoint one of them as the cochairperson of the Committee. (Sec. 1)
2. Specifies that the Committee members are not eligible to be compensated. (Sec. 1)
3. Requires the Committee to review and consider recommendations pursuant to the following for the most recent elections:
   a) The opening and closing times for polling places and the number of polling places that opened late;
   b) Voting center and emergency voting center activities and problems;
   c) The use of provisional ballots in polling places and voting centers, and the process of verifying and tabulating those ballots;
   d) Ballot tabulating process for regular ballots and voter suppression claims; and
   e) Whether the Secretary of State follows federal and state election laws generally and with respect to the statewide voter registration database. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

4. States that the Committee will submit a report on its findings and recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives while also providing a copy of this report to the Secretary of State and the Attorney General. (Sec. 1)

5. Repeals the Committee on April 1, 2021. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 7-2-0-0

HB 2260: health facilities; resuscitation; emergency care
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview

States that listed facilities and their employees, agents and assigns have an affirmative duty to care for their residents.

History

The Arizona Department of Health Services (DHS) licenses and monitors health and child care facilities and providers throughout Arizona. Licensing inspections, on-site surveys, and complaint investigations are conducted to promote quality care and safety and ensure that performance standards are met for facility operation and maintenance. The mission of DHS's Public Health Licensing is to protect the health and safety of Arizonans by providing information, establishing standards, and licensing and regulating health and child care services.

Provisions

1. States that listed facilities and their employees, agents and assigns have an affirmative duty to care for their residents. (Sec. 1)
2. Requires the listed facilities to provide basic life support before the arrival of emergency medical services to a resident who experiences cardiac arrest or any other cessation of respirations in accordance with that resident's advance directives or in the absence of advance directives or a do-not-resuscitate order for that resident. (Sec. 1)
3. Requires faculty staff who are certified in cardiopulmonary resuscitation be available at the facility at all times. (Sec. 1)
4. Requires the facility to provide recovery assistance to noninjured residents who have fallen and are unable to reasonably recover themselves independently. Facility staff who are certified in fall recovery must be available at the facility at all times. (Sec. 1)
5. Prohibits facilities from establishing or implementing policies that prevent employees from providing immediate resuscitation, emergency care or fall recovery assistance. (Sec. 1)
6. Defines a facility as *skilled nursing facility, assisted living centers, assisted living facilities, assisted living homes, residential care institutions and other similar health care institutions* as prescribed in rule by DHS.

Amendment

Committee on Health & Human Services
1. Removes adult foster homes and group homes as a listed facility.
2. Adds an immunity clause.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 9-0-0-0

HB 2316: technical correction; health services; fees S/E mental disorder; considerations; involuntary treatment

Sponsor: Representative Barto, LD 15
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2316

Overview

Amends the definition of mental disorder and outlines circumstances under which a person cannot be considered for involuntary treatment.

History

Contained in Title 36 of the Arizona Revised Statutes regarding public health and safety is Chapter 5 relating to mental health services. This chapter contains information on general provisions, civil and legal rights of patients, voluntary admissions, court-ordered evaluation and treatment, judicial review and community mental health residential treatment system. (A.R.S. Title 36, Chapter 5)

Current statute defines terms relating to mental health services. *Mental disorder* is defined as *a substantial disorder of the person's emotional process, thought, cognition or memory* and is distinguished from conditions related to drug or alcohol abuse, intellectual disability, declining mental abilities accompanying impending death and character and personality disorders. (A.R.S. § 36-501) Statute also outlines the application and screening processes for court-ordered evaluation of a person who is alleged to be dangerous due to mental disorder. (A.R.S. §§ 36-520, 36-521)

Provisions

1. Amends the definition of *mental disorder* by eliminating the distinction between mental disorder and conditions related to drug or alcohol abuse, intellectual disability, declining mental abilities accompanying impending death and character and personality disorders. (Sec. 1)
2. Prohibits a person who has substance use disorder without a co-occurring mental disorder from being considered for involuntary treatment. (Sec. 2)
3. Allows a person who has impairments consistent with mental disorder and substance use disorder to be screened, evaluated and treated if, after considering the person's history, an appropriate exam and a reasonable period of detoxification, the impairments of mental disorder persist or recur. (Sec. 2)
4. Prohibits a person who has an intellectual disability from being involuntarily treated unless the person has a mental disorder that would benefit from treatment. (Sec. 2)
5. Prohibits a person with declining mental abilities that directly accompany impending death from being involuntarily treated. (Sec. 2)
6. Prohibits a person with character or personality disorder characterized by lifelong antisocial behavior patterns from being involuntarily treated unless the person also has a mental disorder that would benefit from treatment. (Sec. 2)
7. Contains technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

Amendment

Committee on Health & Human Services

1. The strike-everything amendment was adopted.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 9-0-0-0

HB 2318: health care institutions; accreditation; inspections
Sponsor: Representative Barto, LD 15
Caucus & COW

Overview

Updates and clarifies terminology for the licensing of health care institutions.

History

The director of the Department of Health Services (DHS) must inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant and the health care institution are in substantial compliance with the requirements and rules established prescribed by law. The Director may accept proof that that a health care institution is an accredited hospital or is an accredited health care institution in lieu of compliance inspections required if the director received a copy of the institution's accreditation report licensure period. If the health care institution's accreditation report is not valid for the entire licensure period, DHS may conduct a compliance inspection of the health care institution during the time period DHS does not have a valid accreditation report for the institution. (A.R.S. § 36-424)

Health care institution is defined as every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical services, nursing services, behavioral health services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies, outdoor behavioral health care programs and hospice service agencies. A health care institution does not include a community residential setting. (A.R.S. § 36-401)

Provisions

2. Clarifies that the DHS director may accept an accreditation report in lieu of a compliance inspection of a *health care institution* only if both apply:

   a) The institution is accredited by an independent, nonprofit accrediting organization approved by the Secretary of the United States Department of Health and Human Services

   b) The institution has not been subject to an enforcement action within the year preceding the annual licensing fee anniversary date. (Sec. 1)

3. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA/SE 9-0-0-0

HB 2418: technical correction; mental illness; evaluation
S/E: orders for evaluation; process servers
Sponsor: Representative Barto, LD 15
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2418

Overview

States that if an order for evaluation is issued and it does not require a person to be taken into custody, the use of a peace officer is not required to serve the order.

History

Current statute allows a court to order an evaluation of a person whom the court determines may be dangerous to self or others due to mental disorder or disability. If the person does not or cannot submit to the order, or if the person requires immediate hospitalization, the person can be taken into custody of a peace officer and delivered to an evaluation agency. If the person is not taken into custody or evaluated within 14 days after the date of the order, then the petition for evaluation expires; however, a new evaluation may be ordered. When a person is involuntarily hospitalized, the person has the right to a hearing to determine whether the person should be hospitalized for evaluation (A.R.S. § 36-529).

Provisions

1. States that if an order for evaluation is issued and it does not require a person to be taken into custody, the use of a peace officer is not required to serve the order. Service may be provided by a private process server. (Sec. 1)
2. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 9-0-0-0

HB 2420: insurance; prescription drugs; step therapy
Sponsor: Representative Barto, LD 15
Committee on Health & Human Services

Overview

Sets forth clinical review criteria for step therapy protocols and outlines the process for exceptions to the protocols.

History

Step therapy, also called step protocol is a type of prior authorization requirement that begins medication for a medical condition with a drug therapy and progresses to other therapies if necessary.

Provisions

1. Applies this law to any health care plan that provides prescription drug benefits and that includes coverage for a step therapy protocol. (Sec. 1)

Clinical Review Criteria

2. Establishes that clinical review criteria used by a health care insurer, pharmacy benefits manager (PBM) or utilization review organization (URO) be based on guidelines that:

   a) Recommend prescription drugs be taken in the specific sequence required by the step therapy protocol;

   b) Are developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members of the writing and review groups by doing all the following:

      i. Requiring the members to disclose any potential conflict of interest with an entity, including a health care insurer or pharmaceutical manufacturer, and recuse themselves from voting if they have a conflict of interest;

      ii. Using a methodologist to work with writing groups to provide objectivity in data analysis and ranking of evidence through preparing evidence tables and facilitation consensus;

      iii. Offering opportunities for public review and comment;

   c) Are based on high quality studies, research and medical practice;

   d) Are created by an explicit and transparent process that does all the following:

      i. Minimizes biases and conflicts of interest;

      ii. Explains the relationship between treatment options and outcomes;

      iii. Rates the quality of the evidence supporting the recommendations;

      iv. Considers relevant patient subgroups and preferences; and

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

e) Are continually updated through a review of new evidence and research and newly developed treatments. (Sec. 1)

3. Allows peer reviewed publications to be used. (Sec. 1)
4. Requires a utilization review agent to consider the needs of atypical patient populations and diagnoses when considering clinical review criteria for step therapy. (Sec. 1)
5. Requires each health care insurer, PBM and URO to annually certify to the Arizona Department of Insurance (DOI) that the criteria used in the insurer's, manager's or organization's step therapy protocol meets requirements. (Sec. 1)
6. Specifies that on request of DOI, the health care insurer, PBM or URO must submit the insurer's, manager's or organization's clinical review for approval. (Sec. 1)
7. States there is no requirement for a health care insurer or this state to establish a new entity to develop clinical review criteria for step therapy protocols. (Sec. 1)

Exceptions; Process

8. Allows for a process to request a step therapy exception determination and allows a health care insurer, PBM or URO to use its existing medical exceptions process. The process must be made accessible on the health care insurer's, health benefit plan's, PBM's or URO's website. (Sec. 1)
9. Requires a step therapy exception be granted if sufficient evidence is submitted to establish any of the following:

    a) The required prescription drug is contraindicated or will likely cause an adverse reaction by or physical or mental harm to the patient;

    b) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;

    c) The patient has tried the required prescription drug while under the patient's current or previous health care plan, or another prescription drug in the same pharmacological class or with the same mechanism of action, and the drug was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event;

    d) The required prescription drug is not in the best interest of the patient based on medical necessity;

    e) The patient remained stable on a prescription drug selected by the provider for the medical condition under consideration while on the current or previous health plan. It is not intended to encourage the use of a pharmaceutical sample for the sole purpose of meeting the requirements for step therapy exception determination. (Sec. 1)

10. Requires the health care insurer, PBM or URO to authorize coverage for the prescription drug prescribed on granting a step therapy exception. (Sec. 1)
11. Requires the health care insurer, PBM or URO to respond to a request for a step therapy determination within 72 hours after receiving all documentation, unless an exigent circumstance exists. (Sec. 1)
12. States that if an exigent circumstance exists, the health care insurer, the PBM or the URO must respond to the request within 24 hours after receiving all documentation and disclosures. (Sec. 1)
13. Stipulates that if the health care insurer, the PBM or the URO does not respond within the time period prescribed, the step therapy exception is deemed granted. (Sec. 1)
14. Allows for an appeal of an adverse step therapy exception determination. (Sec. 1)

15. States the foregoing provisions do not prevent either of the following:

    a) A health care insurer, PBM or URO from requiring a patient to try a generic equivalent before providing coverage for the equivalent branded drug; and

    b) A health care provider from prescribing a drug that is determined to be medically appropriate. (Sec. 1)

16. Exempts, for purposes of this act, the Department of Insurance and Financial Institutions from the rulemaking requirement. (Sec. 2)

17. Applies this act to any policy, contract or evidence of coverage delivered or renewed effective January 1, 2022. (Sec. 3)

18. Defines *clinical practice guidelines, clinical review criteria, exigent circumstance, health care insurer, health care plan, medically appropriate, pharmaceutical sample, pharmacy benefits manager, step therapy exception, step therapy protocol, utilization review* and *utilization review organization.* (Sec. 1)

Amendment

Committee on Health and Human Services

1. Removes a reference to AHCCCS and the state.

2. Clarifies that insurers can only use their existing medical exceptions process if it meets the standards set forth in the bill.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA/SE 9-0-0-0

HB 2421: adoption; removal; parental rights; suspension S.E. DCS; report requirement Sponsor: Representative Barto, LD 15 Caucus & COW

Summary of the Strike-Everything Amendment to HB 2421

Overview

Requires the Arizona Department of Child Safety (DCS) to submit a report to the Chairs of the Health and Human Services Committees on system improvements, an evaluation of other states programs and mechanisms for suspending parental rights for children with complex trauma by October 1, 2020.

History

The mission of DCS is to successfully engage children and families to ensure safety, strengthen families, and achieve permanency. This is accomplished by DCS being: 1) child-centered; 2) family-focused; 3) successful in engagement through respect of the family; 4) active in listening and providing families with an invitation to participate in the decision making process; 5) aware that the entire community along with various partners are responsible for keeping children safe; 6) a professional environment with an excellent workforce; 7) culturally responsive; and 8) accountable and transparent.

Provisions

1. Requires DCS to report to the Chairs of the Senate and House of Representatives Health and Human Services Committees by October 1, 2020 on the following:

   a) System improvements for children who are adopted out of foster care with complex trauma that results in dangerous behaviors;

   b) An evaluation, including outcome data, of programs and services that are offered by other states to address complex trauma; and

   c) Mechanisms for suspending parental rights when the adoptive child is a danger to the family as corroborated by law enforcement while maintaining the goal of permanency as required by federal law or other alternatives to terminating parental rights. (Sec. 1)

Amendments

Committee on Health and Human Services

1. The strike-everything amendment was adopted.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 9-0-0-0

HB 2600: adoption; original birth certificate; release
Sponsor: Representative Roberts, LD 11
Caucus & COW

Overview

Outlines provisions for the State Registrar (Registrar) to provide an original copy of the birth certificate that has been sealed due to adoption.

History

Current law requires the Registrar to seal a certificate and evidentiary documents when the Registrar amends the registered certificate. Unless required by a court order, the Registrar may not issue a copy of a certificate or other sealed record. (A.R.S. § 36-322)

Provisions

1. Requires the Registrar to provide an individual a copy of their original birth certificate that has been sealed due to an adoption and to provide any evidence of the adoption that is held with the original birth certificate, if all of the following are true:
   a) The Individual is at least 18 years of age;
   b) The individual was born in this state; and
   c) The individual submits to the Registrar a written request to receive a copy of the original birth certificate. (Sec. 4)
2. Stipulates that the copy of the original birth certificate must clearly indicate that it is not a certified copy and that it may not be used for legal purposes. (Sec. 4)
3. Stipulates the fees and procedures that apply to obtaining a copy of a registered certificate apply to an original birth certificate. (Sec. 4)
4. Requires the Registrar to develop a contact preference form which may be filled out by a birth parent and kept with the original birth certificate. (Sec. 4)
5. States the contact preference form must indicate if the birth parent wants to do any of the following:
   a) Be contacted by the individual who receives the copy of the original birth certificate;
   b) Be contacted only through an intermediary; or
   c) Not be contacted. (Sec. 4)
6. Requires the preference form to indicate if the birth parent has completed and filed with the Registrar a medical history form. (Sec. 4)
7. Directs the Registrar to develop a medical history form which may be completed by a birth parent. (Sec. 4)
8. Mandates that the contact preference form and medical history form are confidential. (Sec. 4)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

9. Requires the Registrar to seal the forms and retain them with the original birth certificate if the birth parent files the forms. (Sec. 4)
10. Requires the forms to be given to the individual who receives the original birth certificate. (Sec. 4)
11. Prohibits the Registrar from keeping a copy of the contact preference form or the medical history form. (Sec. 4)
12. Allows a birth parent to file an amended contact preference form or medical history form with the Registrar. (Sec. 4)
13. Makes technical changes. (Sec. 1, 2 and 3)

Amendments

Committee on Health and Human Services

1. Stipulates that an agency, the Department of Child Safety (DCS) or an attorney participating or assisting in a direct placement adoption must obtain a notarized statement from the birth parent that when the child being adopted reaches the age of 18, the child may obtain a copy of their original birth certificate.
2. Requires the birth parent, in addition to the above-mentioned provision, to submit the contact preference form to the agency, DCS or attorney for filing with the court.
3. States that for an adoption of a person born in this state, a state court must submit to the Registrar an adoption certificate on a form approved by the Registrar or pursuant to a court order that includes the contact preference form.
4. Adds requirements to the contact preference form.
5. Requires the Department of Health Services to publicize the new requirements.
6. Requires the Registrar to implement this new section from and after December 31, 2020.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DP 9-0-0-0

HB 2774: medical assistants; training requirements
Sponsor: Representative Grantham, LD 12
Caucus & COW

Overview

Outlines the standards for a training program that satisfies training requirements for medical assistants.

History

Under current law, medical assistants may take body fluid specimens and administer injections under the direct supervision of a doctor of medicine, physician assistant or nurse practitioner and may assist with other procedures as prescribed by the Arizona Medical Board. A medical assistant may perform without supervision billing, coding, verifying insurance, making patient appointments, scheduling, recording information in patient charts and taking and recording patient vital signs. The Board is responsible for prescribing training requirements for medical assistants (A.R.S. § 32-1456).

Provisions

1. Specifies that training requirements for a medical assistant are satisfied by a training program that:
   a) Is designed and offered by a physician;
   b) Meets or exceeds the approved training program requirements specified in rule; and
   c) Verifies the entry-level competencies of a medical assistant as specified by rule. (Sec. 1)
2. Makes a technical change. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 9-0-0-0

HB 2831: epinephrine injections; first responders; immunity
Sponsor: Representative Bowers, LD 25
Caucus & COW

Overview

Allows a first responder to administer an epinephrine injection to a person believed to be experiencing anaphylaxis and provides immunity for professional liability and criminal prosecution.

History

Current law allows a person to administer epinephrine to another person who is suffering from a severe allergic reaction if the person acts in good faith and without compensation for the act of administering the epinephrine and a health professional who is qualified to administer epinephrine is not immediately available. A person who administers epinephrine is not subject to civil liability for any injury that results from that act unless the person acts with gross negligence, willful misconduct or intentional wrongdoing. (A.R.S. § 36-2226)

Provisions

1. Allows a first responder to administer an epinephrine injection to a person believed to be experiencing anaphylaxis. (Sec. 1)
2. Provides immunity for professional liability and criminal prosecution. (Sec. 1)
3. Specifies that the above-mentioned provisions do not create a duty to act or standard of care for a first responder to administer an epinephrine injection. (Sec. 1)
4. Defines terms. (Sec. 1)

Amendments

Committee on Health & Human Services

1. Allows a *naturopathic physician* and *physician assistant*, in addition to a *doctor of medicine*, *osteopathic physician* and *nurse practitioner* to issue a standing order for a first responder trained in epinephrine injections to administer the injection.
2. Provides immunity for professional liability and criminal prosecution to naturopathic physicians and physician assistants.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: HHS DPA 7-2-0-0

HB 2843: sober living homes; fees; penalties
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview
Increases the length of time for a sober living home license and makes adjustments to fees and penalties.

History
Laws 2018, Chapter 194 contains the laws related to licensure of sober living homes. The director of the Arizona Department of Health Services (DHS) is required to adopt rules to establish minimum standards and requirements for the licensure of sober living homes. The director may use the current standards adopted by any recognized national organization in prescribing minimum standards and requirements. The statute outlines the standards and requirements for licensure. Fees for licensure are also outlined in the statute A.R.S. § 36-2062 and A.R.S. § 36-2063.

DHS has issued licenses for 58 sober living homes and a licensing fact sheet is available on their website.

Provisions
1. Increases the length of time for a sober living home license from *one year* to *three years.* (Sec. 1)
2. Removes the $1,000 penalty for failure to attain or maintain a license for a sober living home. (Sec. 1)
3. Specifies that the fee for an initial license and license renewal may not exceed $500. (Sec. 2)
4. Prohibits DHS from charging a fee on a *per bed basis.* (Sec. 2)
5. Eliminates the ability of the director of DHS to impose civil penalties. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 1)

Amendments
Health & Human Services
1. Restores language allowing for a civil penalty of $1,000 for failing to attain or maintain a license.
2. Provides that the fee for initial licensure and renewal may not exceed $1,500 except that the fee for a sober living home that is certified by a certifying organization is $500.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TECH DPA 7-0-0-0 | TRANS DPA/SE 8-0-0-1

HB 2060: autonomous vehicles; safety features; prohibitions
S/E: same subject
Sponsor: Representative Kavanagh, LD 23
Caucus & COW

Summary of the Strike-Everything Amendment to HB2060

Overview
Prohibits a person from overriding an autonomous vehicle.

History
A person is prohibited from driving or moving a motor vehicle, tow truck, trailer, semitrailer or pole trailer unless: 1) the equipment on the vehicle is in good working order and adjustment as required by law; and 2) the vehicle is in a safe mechanical condition that does not endanger the driver, passengers, or another person on the highway (A.R.S. § 28-981).

Motor vehicle is defined as a self-propelled vehicle or a vehicle that is propelled by the use of motor vehicle fuel (A.R.S. § 28-101).

Vehicle is defined as a device in, on or by which a person or property is or may be transported or drawn on a public highway (A.R.S. § 28-101).

Provisions
1. Prohibits a person from installing or using a defeat device to override a safety feature of a vehicle that:
   a) Is equipped with level two, three, four or five driving automation as defined in the Society of Automotive Engineering standard J3016; and
   b) Is designed to ensure that the driver is alert and attentive while the vehicle's level two, three, four or five driving automation features are engaged. (Sec. 1)
2. States that the prohibition does not apply to either:
   a) An entity that is testing or operating one or more vehicles that are equipped with automated driving systems pursuant to executive orders or other programs authorizing the testing or operation of vehicles equipped with automated driving systems; or
   b) A motor vehicle manufacturer, service center, motor vehicle dealer or automated vehicle technology developer that is making motor vehicle manufacturer-approved modifications. (Sec. 1)
3. Defines pertinent terms. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: Trans DP 9-0-0-0 | APPROP DPA 10-1-0-0

HB 2396: appropriation; Cornfields low-water crossing
Sponsor: Representative Teller, LD 7
Caucus & COW

Overview

Provides funding to the Arizona Department of Transportation (ADOT) to distribute to the Navajo Nation for the Cornfields Chapter low-water crossing improvement project.

History

Laws 1973, Chapter 146 established ADOT to provide for an integrated and balanced state transportation system with a director responsible for the department's administration (A.R.S. § 28-331). ADOT has exclusive control and jurisdiction over state highways, state routes, state owned airports and all state- owned transportation systems or modes are vested in ADOT.

The duties of ADOT are as follows: 1) register motor vehicles and aircraft, license drivers, collect revenues, enforce motor vehicle and aviation statutes and perform related functions; 2) do multimodal state transportation planning, cooperate and coordinate transportation planning with local governments and establish an annually updated priority program of capital improvements for all transportation modes; 3) design and construct transportation facilities in accordance with a priority plan and maintain and operate state highways, state owned airports and state public transportation systems; 4) investigate new transportation systems and cooperate with and advise local governments concerning the development and operation of public transit systems; and 5) have administrative jurisdiction of transportation safety programs and implement them in accordance with applicable law (A.R.S. § 28-332).

Provisions

1. Appropriates $532,700 from the General Fund in FY 2021 to ADOT to distribute to the Navajo Nation for the Cornfields Chapter low-water crossing improvement project.

Amendments

1. Decreases the appropration to $300,000.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DPA/SE 8-0-0-1

HB 2590: ADOT; signs; driving on right
S/E: driving on right; educational information
Sponsor: Representative Griffin, LD 14
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2590

Overview

Requires defensive driving school courses, traffic survival schools and the Arizona Department of Transportation (ADOT) to include left-lane restrictions in educational material.

History

Pursuant to A.R.S. § 27-721, on all roadways, a person must drive a vehicle on the right half of the roadway except:

1) When overtaking and passing another vehicle proceeding in the same direction;
2) When the right half of a roadway is closed to traffic while under construction or repair;
3) On a roadway divided into three marked lanes for traffic under the rules applicable on the roadway; and
4) On a road that is designated and has signposted for one-way traffic only.

On all roadways, a person driving a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing is required to drive the vehicle in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Provisions

1. Requires defensive driving school courses and traffic survival schools to include educational information relating left-lane restrictions. (Sec. 1)
2. Requires ADOT to include left-lane restriction information in any of the department's examination, information and educational material. (Sec. 1)
3. Contains a delayed effective date of January 1, 2021. (Sec. 2)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DP 6-2-0-1

HB 2767: arts special license plates
Sponsor: Representative Osborne, LD 13
Caucus & COW

Overview

Establishes the Arts Special Plate and Fund.

History

Pursuant to A.R.S. § 28-2351, the Arizona Department of Transportation (ADOT) is required to provide every vehicle owner one license plate for every vehicle registered upon application and on payment of prescribed fees.

In accordance with A.R.S. § 28-2403, special plates may be issued by ADOT in lieu of the regular license plate, upon application. An initial and annual renewal fee of $25 is required for the special plate in addition to the vehicle registration fees, with outlined exceptions (A.R.S. § 28-2402). There currently are 90 special plate variations that include the *First Responder Plate*, *Arizona Cardinals Plate* and *Arizona Agriculture Plate*.

Provisions

1. Directs ADOT to issue an Arts Special Plate if, by December 31, 2020, a person pays $32,000 for implementation. (Sec. 3)
2. Requires the person that provides the $32,000 to design the Arts Special Plate, subject to approval by ADOT. (Sec. 3)
3. Allows ADOT to combine requests for an Arts Special Plate and a personalized special plate, in a form prescribed by ADOT and subject to fees for both plates. (Sec. 3)
4. Establishes the Arts Special Plate Fund (Fund) to be administered by ADOT. (Sec. 3)
5. Requires that, of the $25 fee required to obtain and renew a special plate, $8 is an administrative fee and $17 is an annual donation. (Sec. 3)
6. Requires that the $8 administration fee be deposited into the State Highway Fund and the $17 annual donation be deposited into the Fund. (Sec. 3)
7. Requires that the first $32,000 in the Fund be reimbursed to the person who paid the implementation fee. (Sec. 3)
8. Requires that no more than 10% of the monies annually deposited in the Fund be used to administer the Fund. (Sec. 3)
9. States that monies in the Fund are continuously appropriated. (Sec. 3)
10. Requires ADOT to annually allocate monies from the Fund, excluding administrative fees, to a charitable organization that:
    a) Is located in Arizona;
    b) Has been established for at least 35 years;
    c) Has been established by community members of a school district located in Arizona;

d) Has a mission of raising, receiving and disbursing monies to enrich the education and activities of students, teachers and staff;

e) Must be run completely by volunteers;

f) Awards college scholarships;

g) Awards grants to teachers; and

h) Must be dedicated to supporting the future leaders of this state through education. (Sec. 3)

11. Requires the state treasurer, on notice of ADOT, to invest and divest money in the Fund.

a) Requires monies earned from investments to be credited to the Fund. (Sec 3)

12. Makes technical and conforming changes. (Sec. 1-2, 4-8)

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

House: TRANS DPA 5-4-0-0

HB 2842: license plate standards; reflectivity; reissuance
Sponsor: Representative Kern, LD 20
Caucus & COW

Overview

Requires the Arizona Department of Transportation (ADOT) to reissue a license plate within three years after the plate's reflective material warranty expires.

History

Pursuant to A.R.S. § 28-2351, ADOT is required to provide every owner one license place for each vehicle registered. At the request of the owner and on payment of the prescribed fee, ADOT is required to provide one additional license plate for a vehicle for which a special plate is requested. A plate is required to be coated in a reflective material that is consistent with the determination of ADOT regarding the color and design of license plates and special plates.

If a license plate is mutilated or illegible, the owner is required to return the plate to ADOT and a new plate must be reissued on payment of a $5 fee (A.R.S. § 28-2352).

Provisions

1. Requires ADOT to reissue a license plate within three years after the warranty on the plate's reflective material expires for each vehicle registration, except fleet registration. (Sec. 1)
2. Requires ADOT, in consultation with the Arizona Department of Public Safety, to develop standards for reflectivity that use the most current technology available while maintaining a competitive bid process. (Sec. 1)
3. Allows ADOT to require a $5 fee for reissuing a plate due to the reflective material's warranty expiring. (Sec. 2)
4. Makes technical changes. (Sec. 1-2)

Provisions

Committee on Transportation

1. Provides that the reissuing of a license plate applies only to a plate that is issued on or after January 1, 2022.
2. Adds that historic license plates are exempt from being reissued.

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note